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Commons. Standing Committee on  
Privileges and Elections

Minutes of proceedings and  
evidence 1962.







HOUSE OF COMMONS  
First Session—Twenty-fifth Parliament  
1962

Government  
Publications

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STANDING COMMITTEE  
ON  
**PRIVILEGES AND ELECTIONS**

*Chairman: Mr. Georges Valade*

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

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THURSDAY, NOVEMBER 29, 1962

TUESDAY, DECEMBER 11, 1962

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RESPECTING

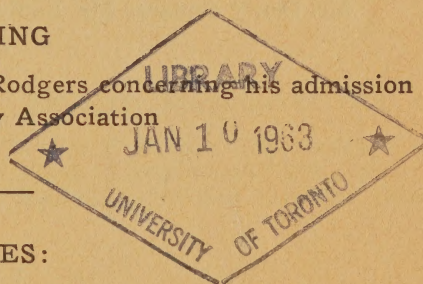
The petition of Mr. Raymond Spencer Rodgers concerning his admission  
to the Press Gallery Association

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WITNESSES:

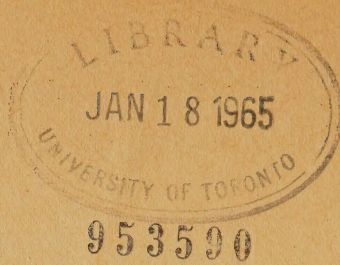
Mr. J. McNulty, M.P. Sponsor of the petition; Dr. P. M. Ollivier, Q.C.  
Parliamentary Counsel; Mr. R. S. Rodgers, Petitioner; Mr. Clément  
Brown, President of the Canadian Parliamentary Press Gallery.

ROGER DUHAMEL, F.R.S.C.  
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OTTAWA, 1962





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STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Georges Valade

*Vice-Chairman:* Mr. George Chatterton

and Messrs.

Aiken  
Brewin  
Brown  
Caron  
Coates  
Crestohl  
Dionne  
Enns  
Hodgson

Howard  
Knowles  
Korchinski  
Laing  
Lamoureux  
Leboe  
Macnaughton  
McBain  
McGee

McWilliam  
Millar  
Nielsen  
Pennell  
Pickersgill  
Plourde  
Rondeau  
Smallwood  
Stewart—29

(Quorum 10)

M. Roussin,  
*Clerk of the Committee.*

*Note:* Mr. Rouleau replaces Mr. Rondeau prior to the second meeting.  
Mr. Fisher replaces Mr. Knowles prior to the second meeting.  
Mr. Bernier replaces Mr. Plourde prior to second meeting.  
Mr. Grégoire replaces Mr. Leboe prior to the second meeting.  
Mr. McIlraith replaces Mr. Stewart prior to the second meeting.  
Mr. Scott replaces Mr. Howard prior to the second meeting.  
Mr. Drury replaces Mr. Rouleau prior to the second meeting.



## ORDERS OF REFERENCE

*(In so far as they relate to the petition of Mr. Raymond Spencer Rodgers)*

FRIDAY, October 19, 1962.

*Ordered*,—That the petition of Raymond Spencer Rodgers, the parliamentary correspondent for the St. Catharines Standard, concerning his application for admission to associate membership in the Parliamentary Press Gallery Association of this Parliament, be referred to the Standing Committee on Privileges and Elections for consideration thereof and such report thereon as the Committee may deem to be appropriate and fitting.

House of Commons,  
October 26, 1962.

*Resolved*,—That the following Members do compose the Standing Committee on Privileges and Elections:

Messrs.

Aiken,	Howard,	Millar,
Brewin,	Knowles,	Nielsen,
Brown,	Korchinski,	Pennell,
Caron,	Laing,	Pickersgill,
Chatterton,	Lamoureux,	Plourde,
Coates,	Leboe,	Rondeau,
Crestohl,	Macnaughton,	Smallwood,
Dionne,	McBain,	Stewart,
Enns,	McGee,	Valade—29.
Hodgson,	McWilliam,	

(Quorum 10)

*Ordered*,—That the said Committee be empowered to examine and inquire into all such matters and things as may be referred to it by the House; and to report from time to time its observations and opinions thereon, with power to send for persons, papers and records.

THURSDAY, November 29, 1962

*Ordered*,—That the Standing Committee on Privileges and Elections be authorized to print, from day to day, 800 copies in English and 250 copies in French of its Minutes of Proceedings and Evidence, and that Standing Order 66 be suspended in relation thereto.

MONDAY, December 3, 1962.

*Ordered*,—That the name of Mr. Rouleau be substituted for that of Mr. Rondeau on the Standing Committee on Privileges and Elections.



## STANDING COMMITTEE

TUESDAY, December 4, 1962.

*Ordered,*—That the name of Mr. Fisher be substituted for that of Mr. Knowles on the Standing Committee on Privileges and Elections.

WEDNESDAY, December 5, 1962.

*Ordered,*— That the names of Messrs. Bernier and Grégoire be substituted for those of Messrs. Plourde and Leboe on the Standing Committee on Privileges and Elections.

THURSDAY, December 6, 1962.

*Ordered,*—That the name of Mr. McIlraith be substituted for that of Mr. Stewart on the Standing Committee on Privileges and Elections.

MONDAY, December 10, 1962.

*Ordered,*—That the name of Mr. Scott be substituted for that of Mr. Howard on the Standing Committee on Privileges and Elections.

*Ordered,*—That the name of Mr. Drury be substituted for that of Mr. Rouleau on the Standing Committee on Privileges and Elections.

Léon-J. Raymond,  
*Clerk of the House.*



## REPORT TO THE HOUSE

THURSDAY, November 29, 1962.

The Standing Committee on Privileges and Elections has the honour to present the following as its

### FIRST REPORT

Your Committee recommends that it be authorized to print, from day to day, 800 copies in English and 250 copies in French of its Minutes of Proceedings and Evidence and that Standing Order 66 be suspended in relation thereto.

Respectfully submitted,

Georges Valade,  
*Chairman.*

*Concurred in the same day.*







## MINUTES OF PROCEEDINGS

THURSDAY, November 29, 1962.

(1)

The Standing Committee on Privileges and Elections met for organization purposes at 9.30 a.m. this day.

*Members present:* Messrs. Aiken, Brewin, Brown, Chatterton, Coates, Dionne, Enns, Hodgson, Howard, Knowles, Korchinski, Laing, Lamoureux, Macnaughton, McBain, McWilliam, Millar, Smallwood, Stewart, and Valade (20).

*In attendance and interpreting:* Mr. Raymond Robichaud, Parliamentary Interpreter.

The Clerk attending, Mr. Enns, seconded by Mr. Millar, moved that Mr. Valade be Chairman of this Committee.

Mr. Aiken moved, seconded by Mr. Hodgson, that nomination be closed. *Carried unanimously.*

Whereupon Mr. Valade having been elected Chairman of the Committee took the chair and expressed his thanks for the honour bestowed upon him. He then proceeded to the election of a Vice-Chairman.

On motion of Mr. Smallwood, seconded by Mr. Hodgson, it was unanimously

*Resolved*,—That Mr. Chatterton be elected Vice-Chairman of the Committee.

The reading of the Orders of Reference was dispensed with.

On motion of Mr. Aiken, seconded by Mr. Macnaughton, it was unanimously

*Resolved*,—That permission be sought to print from day to day 800 copies in English, and 250 copies in French, of the Committee's Minutes of Proceedings and Evidence.

Parlant en français, M. Dionne souleva la question de l'interprétation en français et en anglais des délibérations du Comité. M. Raymond Robichaud résuma alors pour les membres de langue française la teneur des opinions qui avaient été énoncées jusqu'à ce moment.

After discussion, on motion of Mr. Aiken, seconded by Mr. Coates,

*Resolved*,—That the Chairman shall have the authority to arrange for the attendance of an interpreter and a shorthand reporter when a request is made for interpretation and reporting of the proceedings of any Committee meeting from English to French and from French to English. *Carried unanimously.*

On motion of Mr. Macnaughton, seconded by Mr. Korchinski,

*Resolved*,—That a Subcommittee on Agenda and Procedure, comprised of the Chairman and 6 members to be named by him, be appointed.

It was agreed that the four parties would be proportionally represented on the said Subcommittee.



Mr. Lamoureux suggested that in view of the subject-matters referred to the Committee, Dr. Maurice Ollivier, Parliamentary Counsel, be invited to attend the meetings of the Committee. He, thereupon moved, seconded by Mr. Macnaughton that Dr. Ollivier attend the meetings of the Committee.

A discussion following, Mr. Lamoureux withdrew his motion.

It was decided that the Chairman would bring this matter before the Subcommittee on Agenda and Procedure with a view to insuring the presence of the Parliamentary Counsel when it is desirable.

At 10.15 a.m., on motion of Mr. Hodgson, seconded by Mr. Chatterton, the Committee adjourned to the call of the Chair.

TUESDAY, December 11, 1962.

(2)

The Standing Committee on Privileges and Elections met at 9.30 a.m. this day. The Chairman, Mr. Georges Valade, presided.

*Members present:* Messrs. Aiken, Brewin, Brown, Caron, Crestohl, Drury, Fisher, Hodgson, Grégoire, Korchinski, Laing, Lamoureux, Macnaughton, McBain, McGee, McLraith, McWilliam, Millar, Nielsen, Pennell, Pickersgill, Smallwood, Valade—(23).

*In attendance:* Mr. James McNulty, sponsor of the petition presented to the House of Commons by Mr. Raymond Spencer Rodgers; Dr. Maurice Ollivier, Q.C., Parliamentary Counsel; Mr. Raymond Spencer Rodgers correspondent for the Saint Catharines Standard, the petitioner; Mr. Clément Brown, President of the Canadian Parliamentary Press Gallery.

*Also in attendance and interpreting:* Mr. Raymond Robichaud, Parliamentary Interpreter, and English and French Parliamentary shorthand Reporters.

The Chairman called the meeting to order.

After discussion, the Committee agreed that every member use the language of his choice and the services of the interpreter whenever necessary.

The Chairman announced that, according to the resolution adopted at the first meeting, the following members had been chosen to act with him on the Subcommittee on Agenda and Procedure, namely: Messrs. Aiken, Dionne, Chatterton, Lamoureux, Macnaughton and another member to be designated later. The Chairman gave a verbal report of the meeting held by the Subcommittee.

The Clerk read the Order of Reference dated October 19, 1962, in English and French. (*See this day's evidence*).

A lengthy discussion followed concerning the authority of the Committee to consider the petition referred by the House.

The Clerk of the Committee read the petition of Mr. Raymond Spencer Rodgers, tabled in the House of Commons on October 19, 1962, in English and French. (*See this day's evidence*).

Thereupon, Mr. Caron moved, seconded by Mr. Pickersgill, that Dr. Ollivier be heard first.

The question being put, it was resolved in the negative.



The Chairman then invited Mr. McNulty, the sponsor of the petition, who addressed the Committee.

After having ascertained that both Messrs. Rodgers and the Canadian Parliamentary Press Gallery were in attendance, the Chairman invited Dr. Ollivier to present the memorandum which he had prepared in connection with the petition presented by Mr. Rodgers.

Dr. Ollivier was called and questioned.

En rapport avec un passage du mémoire présenté par M. Ollivier, M. Caron, invoquant un rappel au règlement, a protesté contre le fait que la constitution de l'association de la Tribune de la Presse, dont des exemplaires du texte venaient d'être distribués, était exclusivement en anglais.

Mr. Pickersgill, seconded by Mr. Macnaughton, moved that the petition be returned to the House of Commons with a report that the issue be referred to the Speaker for adjudication in the customary manner.

And a discussion following on the competence of the Committee to consider the said petition, Mr. Pickersgill by leave with the consent of Mr. Macnaughton, withdrew his motion.

Mr. Pickersgill then suggested that the Committee adjourn. However, it was agreed that the witnesses be heard and the Committee reconvene to consider the evidence adduced on the matter.

Whereupon

Mr. Aiken, seconded by Mr. Pickersgill, moved that the Committee now proceed with the question of whether or not a privilege exists and to hear witnesses on this subject.

The question being put it was carried and the Chairman introduced the petitioner, Mr. Raymond Spencer Rodgers, who explained the object of his petition.

Mr. Clément Brown, President of the Canadian Parliamentary Press Gallery, was called and gave a statement outlining the distinction between the Association itself and the services which it administers on behalf of Parliament.

Mr. Fisher moved, seconded by Mr. McIlraith, that the Committee adjourn.

At 12.05 o'clock, p.m., the Committee adjourned to the call of the Chair.

M. Roussin,  
*Clerk of the Committee.*







## EVIDENCE

TUESDAY, December 11, 1962.

The CHAIRMAN: Gentlemen we have a quorum.

Before we proceed I should like to say a word or two in regard to our procedure.

If it is agreeable to the committee we will have the translation made immediately following the questions or statements so that everyone will appreciate what is taking place.

Mr. CRESTOHL: Mr. Chairman, would you bear in mind that you do not have an amplifier in front of you.

The CHAIRMAN: I am sorry; I thought I was of strong voice this morning.

I was suggesting that we would have the translation from French to English as the explanations are being given. I think we should follow this procedure because of the great request by many members at the last meeting of this committee in respect of a simultaneous translation.

If it is agreeable to the committee I shall continue to speak in English and if some member wishes me to revert to French, then I shall comply with such request. The question as to whether we should proceed in French or in English is one for this committee to decide but I am prepared at this moment to proceed in both languages. We do have a translator and French reporter present as well as an English reporter, and any questions or statements made by witnesses will be translated into English at the request of the committee. I feel this procedure is in compliance with the decision made by the steering committee.

Is there any discussion in this regard?

Mr. DRURY: Mr. Chairman, perhaps members of this committee should be allowed to speak in the language of their choice. I think everyone here understands both English and French so that we will encounter no difficulty in this regard.

The CHAIRMAN: It was in that regard, Mr. Drury, that we decided to have a French translator as well as both a French and English reporter. I merely suggest that we can follow the procedure of either speaking in English or French because the statements can be immediately translated. If this suggestion is satisfactory to this committee we will now get down to business. Is it agreed?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Gentlemen, I should at this time like to make a verbal report in respect of the decision made by the steering committee.

Mr. PICKERSGILL: Mr. Chairman, before you proceed to do that I would like to raise a point of order.

I was not in attendance at the organization meeting and perhaps I can find the answer to my question by reference to the minutes of that meeting, but I should like to know on what basis the members of the steering committee were appointed?

The CHAIRMAN: Mr. Pickersgill, at the last meeting it was decided that the chairman would form the steering committee of six members plus the chairman. The naming of these six members was left to the chairman.



In naming these members I made an attempt to consult with the party whips but was not very successful in this regard. However, the members of the steering committee will realize that I did consult with most of the party whips.

If you allow me to continue, Mr. Pickersgill, I will inform members of this committee as to the names of the members appointed to the steering committee, who have been accepted by the different party whips.

I have named Mr. Aiken, Mr. Dionne, Mr. Chatterton, who is vice chairman, and Mr. Howard. In respect of Mr. Howard, I might say that approximately 10 members of this committee have been changed during the last week, and it has been difficult to keep track of those changes. Mr. Howard was taken off the committee after he was named as a member of the steering committee so that choice will of necessity be changed. The other members appointed to the steering committee are Mr. Lamoureux and Mr. Macnaughton.

MR. PICKERSGILL: Mr. Chairman, I should like to say a word about this situation. I have been advised by the chief whip of our party that he was not consulted in advance about these things and I suggest this is a situation quite unprecedented. I know there is no rule in this regard but it is an unwritten convention of parliament that party whips be consulted in regard to appointments of this type. I am quite sure if our party whip had been consulted he would have approved highly of the two members of our party named to the steering committee, but it is my feeling that a chairman should not take it upon himself to select any member of another party without appropriate consultation.

Having registered that formal protest, Mr. Chairman, I should like to state that I have no particular desire to follow the matter further. However, I do feel it ought to be clearly understood that if a change is to be made so far as our party is concerned, it is our wish that our whip be consulted before such a change is made and not afterwards.

THE CHAIRMAN: Mr. Pickersgill, I do not wish to precipitate a debate in this regard but, as you know, it has not been our practice to question the decisions of the Chairman in respect of matters such as this, particularly when the whole committee has given the Chairman full authority to decide these questions.

I should also like to state that I did attempt to get in touch with Mr. Habel, your party whip, on different occasions over a period of approximately two days but was unable to do so. It was for that reason that I proceeded to appoint those members to whom you refer. I do believe that the members of this committee will admit that the Chairman has done his job in this regard. I do not think I have set a precedent in having done this, Mr. Pickersgill, because it was decided by this committee that the Chairman should be given authority to proceed in this manner. The other party whips were consulted and agreed to the appointments; however, Mr. Habel was absent from his office at the times I attempted to make contact with him. I think I have satisfactorily explained my actions in this regard.

MR. PICKERSGILL: I might say that I do not regard your explanation as being adequate, but I do not feel the matter is important enough to warrant something more than a registration of my protest.

THE CHAIRMAN: Shall we now pass on to another consideration, gentlemen?

SOME hon. MEMBERS: Agreed.

THE CHAIRMAN: Gentlemen, it was decided at the steering committee meeting that we should proceed by hearing Mr. Rodgers' petition at the outset, and in this connection we have asked all interested parties to appear this morning. We have also asked Mr. McNulty, who presented the petition in favour of the petitioner, to be present. I will call on him to introduce the petition.



Mr. PICKERSGILL: Mr. Chairman, I should like to raise a point of order before we call upon anyone. It seems to me that we are going about this in an entirely wrong way. Surely we have to decide whether this committee has any authority in this regard and whether or not there is a matter of privilege involved in the subject of this petition. Before we start to try a case, surely we ought to determine whether or not we have jurisdiction? Mr. Ollivier is present and I would respectfully suggest that the proper course for this committee to follow is to ask for Mr. Ollivier's opinion as to whether we do have jurisdiction in this matter.

Mr. AIKEN: Mr. Chairman, I think that we should first hear your report as to what took place at the steering committee meeting. Having been in attendance at that meeting I feel I can state that we did decide on certain matters of procedure, and I think that we should inform the members of this committee as to those decisions.

The CHAIRMAN: Yes, I intended to give a verbal report of that meeting to this committee. Perhaps I was a little ahead of myself in suggesting that Mr. McNulty introduce the petition. I feel perhaps the terms of reference should be read to members, and I would ask the clerk to read those terms of reference at this time.

Mr. AIKEN: Mr. Chairman, I believe you have missed the point I was making. Does this committee accept the procedure as decided by the steering committee?

Mr. CARON: Mr. Chairman, I do not think that we are bound by any decision made by the steering committee. The steering committee can make recommendations to this committee but such recommendations can be accepted or rejected.

Mr. AIKEN: That is exactly the point I intended to make.

The CHAIRMAN: Gentlemen, I think perhaps if we hear first the terms of reference we will then be able to decide whether to accept or reject the recommendations of the steering committee. I will ask the clerk at this time to read the terms of reference.

The CLERK: Mr. Chairman, I shall read the order as it appears at page 124 of *Votes and Proceedings* for Friday, October 19, 1962, which is as follows:

IT IS ORDERED:

That the petition of Raymond Spencer Rodgers parliamentary correspondent for the *St. Catharines Standard*, concerning his application for admission to associate membership in the parliamentary press gallery of this parliament be referred to the standing committee on privileges and elections for consideration thereof and such report as may be deemed appropriate in the opinion of the committee.

The CLERK:

IL EST ORDONNÉ:

Que la pétition de Raymond Spencer Rodgers, correspondant parlementaire du *Standard* de St. Catharines, concernant sa demande d'admission en tant que membre associé à la tribune des journalistes parlementaires de ce Parlement, soit renvoyée, pour étude, au comité permanent des privilèges et des élections avec prière d'établir le rapport qu'il jugera approprié.

The CHAIRMAN: The clerk has read the order of reference. I think we should now ask Mr. McNulty whether he wishes to make a statement. It has been the practice of various committees to invite non-members of the committee to make statements if they desire, and I think we should proceed in this manner. I should like, therefore, to ask Mr. McNulty to come forward and present this petition.



Mr. DRURY: I do not think you have dealt with the point of order raised by Mr. Pickersgill. Has the law clerk taken communication of this petition?

The CHAIRMAN: The clerk has taken notice of the petition because it is included in the report of the house.

Dr. OLLIVIER: As to the question of jurisdiction, I do not think there is any difficulty. Beauchesne says that a committee can consider only those matters committed to it by the house. The committee is bound by the order of reference and it cannot depart from it. Therefore it is clear that the order of reference which was referred to us is the order of reference to this committee for this morning, and this is what we are going to consider and nothing else, this morning.

Mr. PICKERSGILL: It seems to me that we should have the petition itself read to us. But before we go beyond that, we should then consider whether there is in the petition anything which affects the privileges of the house.

The CHAIRMAN: That is exactly right, and that is what I am going to have read, namely, the order of reference. I think we should hear first the petition and then we could decide.

Mr. CARON: There was a written petition sent to the committee?

The CHAIRMAN: Yes.

Mr. CARON: Perhaps we could have it read.

The CHAIRMAN: Yes. I know that a lot of our members are new, and I am not trusting to names and faces right now. So I would like you to address the Chair first, so that I may get your names, and place the names of the various speakers down on my list. Will you please give me your name?

Mr. FISHER: I am Fisher and I have two questions. Has the executive of the Canadian press gallery association been informed that this would be the order of business today? And secondly, I would like to know if the executive of that association is here?

The CHAIRMAN: Before I reply to your question, Mr. Fisher, I think that the Clerk should first read the petition so that we will know what we are talking about; then we can go into details.

Dr. OLLIVIER: I think the president of the press gallery is here.

Mr. CRESTOHL: This petition was not circulated among the members of the committee to give them an opportunity to familiarize themselves with its contents.

The CHAIRMAN: It was included in the proceedings of the House of Commons, and as members of parliament you have taken notice of it. Shall I ask the clerk to read the petition now?

Agreed.

*The Clerk of the Committee:*

To the Honourable the House of Commons in parliament assembled:

The petition of the undersigned, Raymond Spencer Rodgers, publisher and commentator, Humbly Sheweth:

That he is employed as the parliamentary correspondent of the daily newspaper the *St. Catharines Standard*;

That an application from your petitioner for admission to the press gallery association of this parliament has been refused by the said association;



That by such refusal your petitioner is thereby denied the facilities, the rights and privileges of a working newspaperman which are necessary for him to report upon the proceedings of this parliament;

Therefore, your petitioner humbly prays that this honourable house will take such steps as they may deem to be necessary and fitting to enable your petitioner to carry on his profession of a newspaper correspondent and thereby provide a livelihood for himself and family.

And your petitioner, as in duty bound, will every pray."

(Signed) Raymond Spencer Rodgers

«A l'honorable Chambre des communes assemblée en Parlement: la pétition du soussigné, Raymond Spencer Rodgers, éditeur et commentateur, signale humblement:

«Qu'il est employé à titre de correspondant parlementaire par le quotidien *Standard*, de St. Catharines;

«Qu'une demande émanant du requérant, en vue de son admission à l'association de la tribune des journalistes du présent Parlement a été rejetée par ladite association;

«Qu'à la suite de pareil rejet, le requérant se voit refuser les facilités, les droits et privilèges d'un journaliste actif, qui lui sont nécessaires en vue de pouvoir faire le compte rendu des travaux du Parlement;

«Par conséquent, le requérant prie humblement cette honorable Chambre de prendre les dispositions qu'elle jugera nécessaires et appropriées pour mettre le requérant en mesure de poursuivre sa profession de correspondant de journal et de pourvoir ainsi à son entretien et à celui de sa famille.

«Et votre requérant, comme il se doit, vous en prie.»

(Signé) RAYMOND SPENCER RODGERS

Mr. MACNAUGHTON: Mr. Chairman, am I correct in believing that Dr. Ollivier is the law clerk for the House of Commons?

The CHAIRMAN: Dr. Ollivier is parliamentary counsel to the House of Commons.

Mr. MACNAUGHTON: May I ask, through you, Mr. Chairman, if he has any precedent or prior case, or decided cases, which may affect this type of case?

Dr. OLLIVIER: Mr. Chairman, I have a memorandum which I may read later.

The CHAIRMAN: Gentlemen, to answer Mr. Macnaughton's question, the steering committee discussed the procedure, and after doing so we thought it would be better, after hearing the petition, for Mr. McNulty, since he is sponsoring the petition in favour of Mr. Rodgers, to present Mr. Rodgers to the committee, and then Dr. Ollivier could go on and make his points in this matter.

Mr. CARON: If there is no question of privilege involved in the matter, then what is the use of hearing witnesses? That is why we want to hear from Dr. Ollivier so he may tell us if there is any precedent on the matter before we hear any witnesses.

The CHAIRMAN: There is no witness; there is just the petitioner.

Mr. CARON: Mr. Chairman, even the person presenting the petition becomes a witness, not being a member of the committee. That is what I mean. We should hear the opinion of Dr. Ollivier, to see if there is any precedent, before we go through with the matter.

The CHAIRMAN: Is there any discussion?

Mr. AIKEN: I appreciate that Dr. Ollivier does have precedents, and has something to say to the committee. But the petition is very brief, and I think we should know what we are deciding on, and what Dr. Ollivier is going to discuss, before we starting discussing it.

I would like to approve the procedure suggested by the steering committee, that we should first have a brief statement, not any evidence, but a brief statement of what lies in this petition, and that it should be brief, and that it should bring the committee to the point where it may proceed to decide whether or not there is a matter of privilege. But I do not know how we can decide whether there is any question of privilege until we know what we are discussing. I think the petition is too brief for us to do anything with it until we hear a little bit more about what we are discussing. Then I would like to hear Dr. Ollivier.

Mr. CARON: I wish to make a motion.

The CHAIRMAN: First we must hear from Mr. Crestohl.

Mr. CRESTOHL: Mr. Chairman, we have a petition before us. In a legal proceedings we can assume, for the time being, that everything in the petition has already been proven by witnesses as being true, for the purpose of discussion, and accept it as proven correct. Then I would say that even if anything in that petition is not true personally I do not see any reason for a question of privilege. Even if we have any jurisdiction, what can we do about it?

If something comes before the committee outside of this petition, it is not within the scope of our terms of reference. If we accept as true all the facts alleged in that petition, I ask the committee: what can we do about it? Have we got authority to do anything about it? That is why, I think, we should first hear Dr. Ollivier before we get any further evidence to embellish the petition before us.

Mr. CARON: I move that we hear Dr. Ollivier first, and then proceed with the rest.

The CHAIRMAN: I do not think this committee needs to put this in the form of a motion.

Mr. CARON: Yes, I think we need to put it in the form of a motion because there have been two opinions expressed here. So I move that we hear Dr. Ollivier first before we hear from Mr. McNulty.

The CHAIRMAN: All right. Is there any seconder? Who is the seconder?

Mr. FISHER: Mr. Pickersgill will second the motion.

Mr. PICKERSGILL: I am quite happy to second it, but I understood Mr. Fisher to have done so. He is a shrinking violet, for once.

Mr. FISHER: Just you wait!

The CHAIRMAN: Well, gentlemen, there is a motion proposed by Mr. Caron and seconded by Mr. Pickersgill which reads as follows:

"I move that we hear Dr. Ollivier first."

Is that the wish of the committee?

Mr. AIKEN: Mr. Chairman, I would like to speak to this motion. Without being repetitious, Mr. Chairman, do we know what we are talking about? It is as simple as that. Dr. Ollivier, I understand, is going to give us an opinion, but all the petition says is that the petitioner is employed by the St. Catharines



*Standard*, and, in brief, he wants to earn his living. I am prepared to vote against the motion, but I would like to hear in brief form what the petition is—it is as simple as that—before we ask Dr. Ollivier for an opinion on it. How can we come to an opinion on a petition until we have something to work on?

MR. CARON: How can we work on something if we do not know if there is a question of privilege involved?

The CHAIRMAN: Order, gentlemen. Now, Mr. Brewin.

MR. BREWIN: Mr. Chairman, I would like to hear the petitioner first before we hear from Dr. Ollivier. I would like to have a little more elaboration on what it is all about. What is the sense of getting very distinguished advice from Dr. Ollivier until we know what he is advising us about. I intend to vote against the motion.

MR. MCILRAITH: Mr. Chairman, I noticed that Mr. Brewin used the word "petitioner". I wonder if he means petitioner or sponsor?

MR. BREWIN: I meant to say sponsor, Mr. Chairman.

MR. PICKERSGILL: I seconded this motion for the very good reason that the petition is what is before us, and the petition, presumably, contains everything that is relevant to the question of jurisdiction, as Mr. Crestohl, I thought, pointed out very well; and it seems to me that if the petition does not itself state something which is a matter of privilege, then there is nothing before us. So what we ought to determine first is whether, within the four corners of this petition, there is a matter of privilege; and if there is a matter of privilege, I would be only too happy to hear any argument on whether or not that privilege has been in any way abridged.

But surely the petitioner, in presenting his petition, showed what the question of privilege was, or what, in his opinion, it was. It seems to me that the committee is entitled to know, before we embark upon a discussion which would otherwise be quite futile, whether this action comes within the privilege of parliament at all.

DR. OLLIVIER: I do not think this is a matter of privilege. It is a matter which has been referred to the committee for study and report; and after you have studied the matter, then you will go into camera and make a report to the house on how this matter which has been referred to you shall be treated. I do not think it is a matter of privilege to be referred to the committee on privileges and elections.

MR. FISHER: I would like to ask, from my understanding of things, how are we going to be able to determine whether or not we have a case of privilege, or what we have, until we have a lot more evidence which will come from Dr. Ollivier and the petitioner and everything else? It seems to me that we would have to call the executive of the press gallery, and that we should file the constitution of the Canadian press gallery association before we can come to any decision. So my opinion in regard to the matter is that it does not matter one way or the other.

MR. MCILRAITH: May I follow up with respect to Dr. Ollivier's statement: I want to understand clearly and correctly his point, that what is before the committee is a reference, and whether the petition which was referred to us raises a matter of privilege, or not, is irrelevant, in so far as it affects our right to deal with the matter, although it might not be irrelevant when we come to make our report. It might be something we would want to put in our report.

DR. OLLIVIER: I think what Mr. McIlraith says is correct. I do not think it is a question of privilege because it does not affect anybody described in the categories of privilege, which is something very hard to define. It is something

which affects the dignity or honour of members of parliament. It is just an ordinary petition which has been referred to this committee, and when this committee has heard the facts, and what the law is on the subject, then after that the committee will meet and decide what it will recommend to the house or the Speaker, or to whatever it decides.

Mr. McILRAITH: Yes; it might have been referred to any committee; but it happened that the house chose this committee for some reason which is a little obscure.

Dr. OLLIVIER: I think it is more appropriate to refer it to this committee on privileges and elections than it would have been to refer it to the committee on railways and canals.

Mr. McILRAITH: I cannot see any question of a privilege of a House of Commons or of its members involved. I take it then that whether or not there is a question of privilege—because I think from reading the petition, that even if the allegations in the petition are clearly proven, there is no question of privilege, your point is that the committee still has jurisdiction to deal with it.

Dr. OLLIVIER: That is quite right.

Mr. McILRAITH: And whether or not there is privilege would be something we would deal with at a later stage in our report.

Mr. AIKEN: Mr. Chairman, we have it, so let us proceed with it. Let us get on with it.

The CHAIRMAN: We have a motion before us, and there has been a discussion of that motion. If I may say here, this is an order of reference from the House of Commons which has been referred to the committee on privileges and elections, and it will be up to this committee to decide whether there is privilege. I think we have a motion now, and the discussion has been on that motion. If somebody else wishes to express an opinion, let him do so. But if there are no others, then we shall now take a vote on the motion.

Mr. CRESTOHL: I wish to ask Dr. Ollivier whether we can hear evidence, and whether we can question the witnesses on matters outside the allegations in the petition.

Dr. OLLIVIER: No, you are limited.

Mr. CRESTOHL: We are limited by the allegations in the petition?

Dr. OLLIVIER: That is right.

Mr. KORCHINSKI: Am I right in saying that representatives of all the different parties were on the steering committee which decided on the course of action which we have embarked upon today?

The CHAIRMAN: That is right. And in answer to Mr. Korchinski's question, let me say that I made it a point to see that all parties of the house should be equally represented on the steering committee. I think we have men of very high calibre on the steering committee. We even have two chairmen of committees on the steering committee; and this procedure was agreed upon. I felt that the committee would go along with the recommendations of the steering committee. This is in answer to Mr. Korchinski, and this is the committee to decide. I have nothing further to say on this.

Mr. CARON: I would like to put a question to Dr. Ollivier. Was there any precedent for that action, or a case brought before a committee of this house previously?

Dr. OLLIVIER: Not in the eyes of a committee of the house.



If the members of this committee would give me an opportunity to communicate the contents of this memorandum to them they will see precedents which have been established in connection with the press gallery, and they will note that they are similar cases. However, they were not referred to the committee as they were decided outside.

Mr. CARON: By the Speaker?

Dr. OLLIVIER: By the Speaker. I am sure the whole thing will be clear after I have read my memorandum.

Mr. AIKEN: It is not a matter of great moment that I will vote against the motion, but I thought it would be orderly if we had the subject introduced by the sponsor. Let us get on with the motion.

The CHAIRMAN: Have you a question Mr. Lamoureux?

Mr. LAMOUREUX: Mr. Chairman, I would like to say a word.

As a member of the steering committee I think I should say that I fully agreed at the time we had our meeting with the position that before the committee could go on with a discussion of any kind we should have at least a short statement presented to the committee by the sponsor of the petition, and that is why the steering committee unanimously recommended that this procedure be followed in committee.

The CHAIRMAN: Shall we put the question to the committee?

Some Hon. MEMBERS: Agreed.

The CHAIRMAN: Would all those in favour of the motion please raise their hands? All those against?

The motion has been defeated.

We will hear at this time the sponsor of the petition, Mr. McNulty.

Mr. MACNAUGHTON: Mr. Chairman, just before Mr. McNulty proceeds I would like to ask a question.

In view of the fact that the press gallery is alleged to be interested in this matter, have they directly or indirectly been notified of such?

The CHAIRMAN: Yes. To answer Mr. Fisher's previous question, I should say that all the parties have been requested to come and were notified as to where the sittings would be held. We have notified the secretary of the press gallery association formally as well as all those persons who wished to have their views known.

Mr. McILRAITH: Mr. Chairman, should it not be recorded that the representatives of the press gallery are here, so that in reading the record we will know.

The CHAIRMAN: Is the press gallery represented?

Some SPECTATORS: Yes.

The CHAIRMAN: Is the press gallery represented by Mr. Brown?

Some SPECTATORS: By the president of the press gallery.

The CHAIRMAN: We will proceed now with Mr. McNulty.

Mr. James C. McNULTY (*Lincoln*): Thank you, Mr. Chairman.

If you do not mind I would like to read this short brief which I have in order that I will not miss any pertinent points.

The *St. Catharines Standard* serves a population of from 120,000 to 130,000 in Lincoln and Welland Counties. It has a daily circulation of approximately 29,000.

At the present time the people of our area are being denied the rights of access to information as to how Parliament is governing the nation. The facilities for reporting this information are paid for out of public monies by the taxpayer.

Nevertheless, a very worthwhile and reputable Canadian daily newspaper is being denied facilities enjoyed by foreign newspapers.

I know that world interest in Canada has been growing and it is only right that there be the widest possible dissemination of parliamentary news.

Space for reporting and assimilating news is said to be very cramped and no doubt this is true, but this does not justify suppressing freedom of the press; it cannot justify a news blackout in any segment of our democracy.

Each riding, each seat, is an integral part in the whole scheme of equality of representation in parliament. When any electoral seat is denied equality of representation, and news coverage is certainly a necessary part of democratic representation, then we are no longer functioning as a democracy where individual rights and freedoms are uppermost in the minds and hearts of its duly elected representatives.

No newspaper with a legitimate claim to have a correspondent covering Ottawa politics should be denied access to parliament's news facilities.

Raymond Rodgers is a columnist and part-time correspondent of the *St. Catharines Standard*, the only daily newspaper in St. Catharines, Ontario's sixth largest city.

His job is to interpret news not only of national import but also news of special interest and significance to the riding of Lincoln. Raymond Rodgers is being denied the facilities necessary to fulfill his obligations to the *St. Catharines Standard* as well as being denied the right to a livelihood for himself and his family.

For a situation such as this to arise in Canada, where freedom of the press is considered among the sacred rights on which a democracy must be founded is unthinkable, and unbelievable for members of parliament to be accessory to such illegitimate action.

I would move that Raymond Spencer Rodgers be granted access to and use of all news facilities in the press room and gallery of the Commons and Senate.

As this recommendation deals directly with the rights of one individual but will affect the rights of many citizens of our Country, I would ask that it be given priority among parliamentary agenda.

Mr. McILRAITH: Mr. Chairman, may I ask the sponsor some questions?

The CHAIRMAN: The order of reference has been accepted by this committee. We already have decided that we should hear Mr. McNulty and then Dr. Ollivier in order that he may give his position in connection with the precedents.

If you start discussing this at this time, everybody will want to get into the act.

You will be given an opportunity later, Mr. McIlraith.

Mr. McILRAITH: I go along with the procedure decided upon, Mr. Chairman, and I am prepared to accept that. May I just note at this time that my questions pertained to something I did not understand; you will have to forgive my inability to understand certain things that were said.

As I say, I want to make clear what I was seeking to do because I will be coming back to it; it concerned certain parts of the language which I was unable to understand in my ordinary usage of the English language.

The CHAIRMAN: We will proceed in the way that the committee has decided.

M. le PRÉSIDENT: J'aimerais savoir si quelqu'un, parmi les membres du comité, désire que l'on fasse la traduction en français?

M. GILLES GRÉGOIRE: Pas besoin!



The CHAIRMAN: We then will proceed in English.

I will leave the floor to Dr. Ollivier. As everyone in this room knows, Dr. Ollivier is a doctor of law. He is the parliamentary counsel and I think he has well established authorities on jurisdictional matters.

We will now hear Dr. Ollivier. I would ask the members of this committee to keep as silent as possible in order that we may hear what Dr. Ollivier has to say.

Dr. P. MAURICE OLLIVIER (*Parliamentary Counsel*): Mr. Chairman, first of all, I would like to thank you for your kind remarks and to apologize for the length of this memorandum. However, in view of the discussion which has taken place up until now I think I will be justified in trying to cover the ground as much as I can.

Before going into the merits of the question, as the status of the press gallery association in parliament is in some ways uncertain, or perhaps it would be better to say as is a *de facto* status rather than a purely legal one, it might be of some interest to consider the history and background of the parliamentary press gallery.

Section 17 of the British North America Act, 1867, states that: "There shall be one parliament for Canada consisting of the Queen and upper house styled the Senate, and the House of Commons."

It is therefore quite evident, even without this quotation, that the press gallery is not part of parliament. It has its quarters in the parliament buildings, yet it is not even part of the administrative set-up as for instance the law branch of the house, the journals branch, the committees branch, the protective staff or, even *Hansard* and the reporting branch. However, we have got so accustomed to the gallery that we could hardly now imagine parliament sitting without such an institution. In a letter from the Hon. Mr. Michener to Mr. Douglas Fisher, M.P., dated June 26, 1961, the Speaker wrote: "Throughout the years the parliamentary press gallery has been housed and maintained as part of parliament".

As we have said before, the parliamentary press gallery has a *de facto* status which has developed to its present state through custom, precedents and traditions.

Here I might quote an article by Robin Adair entitled "Parliament and the Press." This article appeared in the Canadian Liberal (Spring 1951). Mr. Adair writes:

It is quite likely that very few Canadians outside the press itself understand the function of Canada's "Fourth Estate". Strictly speaking it is only a few years since a spokesman for the Canadian government defined that function. In 1944, the executive of the parliamentary press gallery at Ottawa asked the late Prime Minister Mackenzie King to provide some sort of definition and Mr. King supplied one. The correspondents of the parliamentary press gallery, he said, as a body formed an "adjunct" of parliament itself. Although Mr. King was fond of informal chats with Ottawa correspondents, many of whom had reported parliament through the whole of Mr. King's long tenure of office, he declined on that occasion to develop the subject of the relationship between government and the press. Today, parliamentarians, civil servants and reporters are quite content to leave the position of the press gallery to custom and convention for explanation.

The parliamentary press gallery association is an unincorporated body numbering roughly 110 members, having its own constitution and enjoying a number of privileges such as stationery and publications provided for by the

house, usage of a convenient, if restricted gallery in the chamber, access to the lobbies and to the parliamentary restaurant and the usage of very cramped quarters.

When one considers the usefulness of the press gallery, it is hard to imagine that it has not always existed. Not only has it not always been in existence but it is far from being as old as parliament. As a matter of fact, if we realize how old parliament is, the press gallery measured by the standards of parliamentary time, is a young institution.

In England the earlier reporters were positively prohibited from reporting speeches made in parliament; later on they were tolerated, and finally, fully recognized.

It has been said that Dr. Johnson has usually been regarded as the father of parliamentary reporters of the professional class but that the honour of systematically recording debates in the house belongs to Sir Symonds D'Ewes, a sturdy old parliamentarian who flourished in Elizabethan times.

The successors of these reporters were not free from personal embarrassment and risk as note-taking was then regarded as a sin of heinous kind often punished with heavy penalties. It is still a fact that note-taking even in our own parliament is not allowed outside the galleries reserved for the press and government officials.

A number of prohibitions were set out during the 17th century. A typical one being the resolution of March 22, 1642 proclaiming that: "whatsoever person shall print any act or passages of this house, under the name of *Diurnal* or otherwise, without the particular license of this house, shall be reputed a high contemner and breaker of the privilege of parliament, and be punished accordingly."

Even 85 years later, that is in 1727, according to an English historian—"Edward Cave and Robert Raikes were by order of the house, committed to prison for publishing reports in the Gloucester Journal and were kept in custody for several days only being released after expressing contrition for their offence and paying heavy fines."

In the years that followed serious notice was often taken of such breaches of privilege. It was afterwards Johnson's work and perseverance which succeeded in breaking down "the absurd custom of regarding everything that passed in the house as inviolably secret." The last occasion when the house asserted its rights to control the publication of its debates was in 1771 when the issue was fought out with the corporation of London and the Lord Mayor and one of his aldermen were committed to the tower.

There are many incidents which occurred at the end of the 18th century. As for instance the case of William Woodfall who reported without taking any notes as he had such a retentive mind that he could after hearing a speech write it down word for word, even days after it had been delivered.

In the early days when reporting was allowed no particular facilities were accorded the press—then, they were allowed to sit in the back seats of the public gallery.

The construction of the new houses of parliament in England was so ordained as to provide sitting accommodation in the gallery and a small room where a reporter was permitted to hang his hat and coat. He generally had to go back to his own office outside the buildings to transcribe his notes. It often happened early in the 19th century that reporters were excluded from the house at most interesting times and when there was a special call for them to be there.

The reasons for the difficulties of the press at that time and for their unpopularity in many quarters were the biased and unfair reports that were



generally made, the ignorance of shorthand and of the art of condensation. These often resulted in numerous questions of breach of privileges in the house when members complained bitterly and not without reason of the way their speeches had been reported.

It is to be noted that in England it was in the House of Lords that special provision was first made for the press. The year was 1831. The House of Commons was soon to follow and in 1835, the press were given a new status in the popular chamber. The privileges then granted would afterwards never be withdrawn. From that time on they were given a special gallery, numerous rooms were placed at their disposal, they were allotted telegraph and writing rooms, smoking and dining and tea rooms, in short, the accommodation granted to members.

Redlich writes in the 3rd volume of his procedure in the House of Commons (pp.184-5) —

The foundation and indispensable condition of the action of a parliament is stated by Bentham as the law of publicity, which he declares to be the fittest law for securing public confidence. He adduces several direct arguments to prove the necessity of adopting this principle. By publicity the members of an assembly are constrained to perform their duty: by its help it is possible to secure the confidence of the people and their assent to the measures of the legislature: without it the governors cannot learn the wishes and needs of the governed. Further, in an elected assembly, renewed from time to time, publicity is absolutely necessary to enable the electors to act from knowledge, and it provides the assembly with the means of profiting by the information of the public. In his methodical way, Bentham concludes, in a separate section, by refuting all imaginable objections to publicity as a principle.

If I may here summarize, the House of Commons press arrangements in the United Kingdom—

1. The members of the press galleries are supplied with headquarters and general accommodation in the House of Commons. They have their own dining room and refreshment bars which are controlled and staffed by the House of Commons kitchen committee;

2. they have certain telephone facilities—messengers are supplied by the sergeant-at-arms department;

3. members of the press gallery are supplied by the house with stationery, etc., for use in the house only;

4. the right to sit in the press gallery is in the hands of the Speaker who decides when a vacancy occurs which papers may be admitted to a position or seat in the gallery;

5. the press gallery having their own restaurant and bars are not admitted to the members' dining room and the lobby correspondents only are admitted to the members' lobby;

6. the internal affairs of the press are managed by the press gallery committee, which is elected annually by the members of the gallery.

Whilst summarizing the rules, I might say that in the Commonwealth of Australia members of the federal parliament press gallery are supplied with offices at parliament house for which they pay a nominal rental during the

recess; no rental is charged when in session. They have the services of a full-time messenger whose salary is paid by parliament. They are not supplied with paper and articles of stationery, although supplies may well have been made available to them since this information was obtained. The members of the press gallery in Canberra have an organization known as the federal parliamentary press gallery. It has no legal status and was formed primarily to preserve the rights of pressmen working at Canberra and to provide them with social entertainment. A person ordinarily becomes a member of the press gallery if he is an accredited representative of a newspaper and has been issued with a pass by the president of the Senate or the Speaker of the House of Representatives. No doubt a member could be expelled at the request of the press gallery but not by the press gallery. It is interesting to note that the president of the press gallery has full control over the gallery and may, subject to the approval of the president, in the case of the Senate, and the Speaker, in the case of the House of Representatives, say who shall or shall not enter the press gallery.

Provision is made for supplying members of the press gallery with meals, afternoon or morning teas and drinks at the parliamentary refreshment rooms.

In Washington there are rules governing press galleries, also rules governing radio, correspondents and galleries. Persons desiring admission to the press galleries of Congress make application to the Speaker as required by rule XXXV and to the committee on rules of the Senate as required by rule IV for the regulation of the Senate wing of the capitol. There are certain conditions for admittance which it is not necessary to summarize here but it might be interesting to note that persons engaged in other occupations whose chief attention is not given to newspaper corresponding or to newspaper associations requiring telegraphic service, shall not be entitled to admission to the press galleries and, also, that the press galleries are under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the House of Representatives and the Senate committee on rules.

It is strange that in Canada no one, at least to my knowledge, has taken the trouble of writing the history of the press gallery. We are told that this institution existed before confederation. We know also that for the first ten or eleven years after confederation there was no *Hansard* in Ottawa and that even today if we want to refer to the debates of the first decade in the new parliament one has to refer to volumes made of newspaper clippings of that period.

The records of the house show that space and services were provided for the press at the time of confederation. In the appendix No. 4 of the first volume of the journals of the House of Commons, 1867-68, there is a mention of \$2 per day to be paid to B. Cunningham as an extra employee in what was then called the reporters' room. I imagine that we can take it for granted that this room constituted the initial step of the press gallery establishment as we know it today. After the fire of 1916 which destroyed the parliament buildings in Ottawa, the architects who were drawing the plans for the new buildings got in touch with the Speakers and with the officers and executive of the press gallery to plan the new offices that would be required and the result of this cooperation is seen in the then spacious quarters of the press gallery which, unfortunately, have now become too small and overcrowded. Perhaps here I might quote Mr. Peters who said, as reported in *Hansard* of July 28, 1960:

I should like to make one reference to the press gallery. I have always been surprised when I walk into the press gallery to see the number of people who crowd into that small space. I have had the opportunity a number of times of reading the sections of the Ontario



Factory Act which prevent people from being overcrowded into too small a space. I think we are treating these people in a way which we would not allow people in a factory or some similar place to be treated; we are cramming 50 or 60 people into a space which would supply offices only for three or four members, and when we move the senators into another building, which should be in the near future, the opportunity should be taken of expanding the space available for these members of the fourth estate.

If they were crowded at that time when they numbered 60 I wonder what Mr. Peters would say now when they are 110.

At different times the commissioners of internal economy did consider various proposals for the improvement of accommodation for members of the press gallery—namely, in 1955 and in 1958, but the problem has always been deferred for further consideration at a later date.

The expenses of the parliamentary press gallery comprising cleaning, telephones, typed transcripts of *Hansard*, employees, publications and documents, stationery, furniture and up-keep, amount in round figures to something like \$52,000 per annum.

In Queen's Quarterly (Winter 1957 at pages 552-3), Mr. Wilfrid Eggleston, a former member of the press gallery, wrote—

A word about the press gallery, its nature, privileges and facilities, will be appropriate here. The government of Canada provides without charge office accommodation for gallery members in the centre block, and sets aside a gallery at the north end of the House of Commons and a similar one in the Senate, for its exclusive occupancy and use in covering parliamentary sessions. The press room in 1929 provided a large desk and filing cabinet for each active member of the gallery; and the adjacent lounge was furnished with comfortable leather couches and armchairs. The press room was served by a chief page and assistants, and every accredited gallery member enjoyed a number of rights and privileges designed to facilitate his daily work. Stationery was supplied, post office services were laid on, there were call boxes for telegraph messengers, and telephone booths for local and long distance calls. Active members of the gallery enjoyed similar pass privileges on railway lines to those extended to members of parliament. Franks for social messages were freely supplied by the telegraph companies, and many gallery members were given postal franking privileges by members of parliament. Active members of the gallery were supplied with lobby cards which permitted them to enter the lobbies during the sittings of the House of Commons. They were as freely admitted to the cafeteria and the parliamentary restaurant as members of parliament. They could use the parliamentary library at their wish. They were supplied without charge each year with copies of the parliamentary guide, Canada year books and *Hansards*. It goes without saying that all government and parliamentary publications and releases were made available to them, often a few hours before such became available to the general public. When the house was sitting, they were supplied with verbatim reports of debates a few minutes after delivery. I write in the past tense, but all these privileges continue except in one or two minor respects, and I have no doubt new rights and privileges will come into being. In making such provision the successive parliaments of Canada have recognized the essential role played by the press in the effective operation of parliamentary government.

At one time the parliamentary guide carried a short description of the press gallery, which included this sentence: "It is a voluntary, self-governing body subject to the authority of the Speaker in matters affecting House of Commons discipline and membership." The Gallery chooses its own executive and decides on qualifications for membership.

As far as it is possible to do so, and for all practical purposes the autonomy of the Canadian parliamentary press gallery has been recognized by the different Speakers and by the board of internal economy. For many years the organization has operated successfully by virtue of its own constitution.

Appendix I printed on page 13 of the said constitution reads as follows:

Extract from a letter addressed to Arthur G. Penny, Esq., editor-in-chief of the Quebec *Chronicle Telegraph*, by the Hon. Pierre-Francois Casgrain, Speaker of the House of Commons, under date of March 2, 1938, a copy of which was furnished to the secretary of the press gallery and is in the gallery records—

The members of the gallery cannot be denied the right to form an association, membership in which may be granted in accordance with rules and conditions which the association itself may lay down. In dealing with the applications for membership, the press gallery necessarily takes into account the principles and practices which have obtained in the past in determination of these matters.

The above citation, however, cannot derogate from the powers and duties of the Speaker within the precincts of parliament, nor from the powers of the board of internal economy and eventually the House of Commons to which the board must report according to standing order 81.

If the Speaker should so decide his authority could still override the decisions of the parliamentary press gallery, which is an unincorporated association; the Speaker could, for instance, if he thought an injustice had been done the petitioner, allow him access to the gallery facilities—even provide him with a seat in the gallery and with the stationery like the ordinary members of the association. Whether this should be done in the circumstances is not for me to say, nor do I wish to express my opinion on the subject.

Perhaps here we may take a look at the rules governing the Canadian press gallery. We have already seen that in the United Kingdom the right to sit in the press gallery inside the chamber is in the hands of the Speaker who decides when a vacancy occurs which papers may be represented there; we have also seen that a similar rule is in force in Washington which is in conformity with the fact that all the galleries inside the chamber are under the Speaker's control and supervision. There can be no objection to the press executive making representations but with regard to admission to any gallery they must bow to the Speaker's decision. Leaving the final decision to the Speaker in a matter of this kind gives more guarantees to newspaper owners, as the Speaker is in a more independent position to give a fair decision than the reporters and correspondents between whom there is keen competition for representing as many papers as they can.

In Ottawa, all correspondents using the headquarters of the press gallery to which they have been elected by their executive without the Speaker's authorization, sit in the press gallery of the house and they do their daily work in their writing rooms on the third floor of the building.

The rules governing the parliamentary press gallery are by usage, tradition and by understanding between the Speakers and the press, the rules that are contained in the constitution of the Canadian parliamentary press gallery under the control and supervision of the Speaker and of the board of internal



economy. If there is any dissatisfaction with the way these rules have been applied, then I believe there could be an appeal from the decision of the executive and membership. To quote the last words of appendix 2 of the constitution:

The members of the press gallery are the trustees of this heritage. They must ever preserve and keep unhindered this essential ingredient of the democratic function.

Now some conflicts, or cases similar to the one referred to this committee have occurred in the past which perhaps I could summarize.

There was first the case of J. Lambert Payne in 1929 and then that of E. C. Buchanan in 1938. There were others, such as the case of Austin Cross but they are not as typical as the first two mentioned.

### *The Payne Case*

On February 15, 1929, Mr. Payne wrote to Mr. Speaker Lemieux that he had returned to the press gallery as the representative of the *Brantford Expositor*. A few days later, to be exact, February 19, Mr. Buchanan who was then secretary of the gallery and who himself nine years later was to be in his turn refused admission to the gallery, wrote to Mr. Payne to the effect that the executive committee of the gallery had considered his application for membership and was unable to grant it and stated as follows:

The executive committee regrets the necessity of this course in your case but it feels that as a former member of the gallery you will understand that the well established practice regarding membership must be followed if the limited accommodation of the gallery is to be reserved for newspapermen who require its facilities for sending daily reports to their papers.

Mr. Payne felt that this was sheer evasion and poppycock, to use his own words, and he appealed again to the committee. This is, in part, the answer Mr. William Marchington, the then president of the gallery, sent to Mr. Payne:

"We have decided unanimously", he wrote, "that you are not eligible for membership in the gallery as a contributor of special articles to newspapers. The policy of the gallery for 25 years at least has been to admit only parliamentary reporters or correspondents who are permanently employed by their newspapers to cover the proceedings of parliament daily."

On February 26 that same year, Mr. Payne wrote a very long letter of five pages, single spaced, which he ended with these words:

My appeal will now be to the Speaker of the House of Commons who, I contend, alone has the power to take away a right which the *Brantford Expositor*, in common with other reputable papers, has had since confederation.

On the same date Mr. Payne wrote to Mr. Speaker. The Speaker in his reply on the very next day said—

My dear Mr. Payne,

I have read your letter and the correspondence exchanged between you and the president of the press gallery.

I had already brought the matter before him, but as it happened that on that day, the annual elections of the gallery were held, the matter remained in abeyance. Now it appears by your letter to me, that a decision has been reached by the gallery. How could I override it?

The press gallery enjoys full autonomy as regards its membership and internal regulations. Under such circumstances, you will agree with me that the Speaker cannot impose his personal views on the gallery . . .

A few letters followed amongst others one from the president of the press gallery to the Speaker reviewing the situation. Then the Speaker wrote again to Mr. Payne in which he stated:

Personally I have for you the highest regard. You are one of my old friends in Ottawa but you will understand that this is a matter which solely concerns the internal regulations of the press gallery. I exercise a general control in the house as regards discipline, etc., but the regulations of the press gallery as to whom should or should not enjoy the privileges of that body are beyond my jurisdiction.

Follows another long letter to the Speaker by Mr. Payne which he closes in the following manner:

I am utterly mistaken in your sense of justice and duty if you, by non-interference, permit this outrage to be carried out.

The last letter on the file is one of the same date by the president of the press gallery to Mr. Speaker wherein he states:

There is not a man in the press gallery who is not permanently on the staff of a newspaper. Mr. Payne is not on the staff of any newspaper. He merely contributes articles to the *Montreal Gazette*, the *Ottawa Journal*, the *Toronto Globe* or any other newspaper which will buy his articles.

This seems to be the end of the matter and apparently the Speaker took no further action.

#### *The E. C. Buchanan Case.*

On January 31, 1938, Mr. Arthur Penny, editor in chief of the *Chronicle-Telegraph*, wrote to Mr. Buchanan that he would be very glad to have him again act as parliamentary correspondent at Ottawa if he were in a position to take on the work.

On the first of February that year, Mr. Buchanan wrote to the secretary of the press gallery that the *Quebec Chronicle-Telegraph* had asked him to act as its parliamentary correspondent and that he wished to be enrolled on the press gallery list.

On February 9, Mr. L. Richer, secretary of the press gallery wrote to Mr. Buchanan that he had been informed by Mr. Penny that the *Quebec Chronicle-Telegraph* could not afford the luxury of an Ottawa correspondent and asked him if he would mind to bolster his application.

A week later Mr. Richer wrote to Mr. Buchanan to inform him that his application had been laid before a general meeting and rejected by a majority vote.

Following this correspondence, Mr. Penny, editor in chief of the *Quebec Chronicle-Telegraph* wrote to Mr. Speaker Casgrain respecting the refusal of the executive and saying that under the circumstances he had no other recourse but to appeal to the Speaker to establish the rights of his paper and to secure their recognition by the gallery.

At that stage of the correspondence Mr. Speaker seems to have consulted the Prime Minister showing him the correspondence and the proposed answer that he intended forwarding to Mr. Buchanan. This proposed answer was to the effect that the press gallery and press rooms are provided by the house in order to give working facilities to properly accredited newspapermen, also, that there is no question of the right of a duly recognized newspaper having



a representative there provided there is no congestion and added that the members of the press gallery cannot be denied the right to form an association from which they may exclude anybody.

It is in that sense that on March 2 Mr. Speaker Casgrain wrote to the editor in chief of the *Quebec Chronicle-Telegraph*. Certain letters followed from the *Chronicle-Telegraph* and from Mr. Buchanan to the Speaker.

In the next letter Mr. Buchanan asked that a compromise be made and that he be given an end seat in the official gallery and be supplied with equipment for correspondents similar to that supplied to other correspondents.

In answer the Speaker wrote that it is impossible for him to authorize an extension of the press gallery to include a seat in the official gallery. This seems to have ended the matter. However, there is a letter from the Prime Minister to the Speaker of the house dated February 23 where the following paragraph of interest occurs:

While of the opinion that a final disposition of the question would properly come within the jurisdiction of the Speaker of the House of Commons, we believe that it would be desirable for you to consult fully with the officers of the press gallery, and to take cognizance of the information which may be at their disposal regarding the practices which have applied in the past in the determination of applications of the kind.

Perhaps I might terminate this long review by a memorandum by the Clerk of the house to the Speaker, which is not dated and reads as follows:

MR. MACNAUGHTON: Was there any conclusion to the Buchanan case?

DR. OLLIVIER: No; that was the end of it. The last thing was that when nothing happened he asked to have a seat in the official gallery and even that was denied.

All the galleries of the House of Commons are under the control of the house. No exception is made for the one reserved for the representatives of the press. If any member takes notice of strangers being present, Mr. Speaker could put the question under standing order 13 that strangers be ordered to withdraw and the members of the press gallery would have to leave just the same as the occupants of the other galleries.

Mr. Speaker may direct the sergeant-at-arms to issue cards allowing people to sit in any of the galleries. The fact that, under a tacit understanding, galleries have been reserved for the Senate, the officials, the press representatives, and so on, has no effect whatever on the Speaker's authority which extends over the precincts of the house and all the rooms used by persons connected with the house and its various services. The members of the press gallery cannot be denied the right to form an association from which they may exclude anybody, but they overstep their privileges when they endeavour to prevent a duly accredited representative of a newspaper from using for his work the premises set aside by the House of Commons for newspaper reporters. They have no power to exclude therefrom, any *bona fide* journalist who has been sent to Ottawa by an outside newspaper. The press gallery and the press rooms are provided by the house in order to give working facilities to all properly accredited newspapermen without discrimination.

It seems therefore that if the officers of the gallery have any objections to the presence of any journalist in the premises reserved for them, they should lay their case before Mr. Speaker who will look into the matter, consult the government, or report to the house, if necessary, and then give his decision which ought to be considered as final.

I would like here to insert a short quotation from Wade & Phillips Constitutional Law, at page 126, in view of the action of the courts in the present case. The quotation is as follows:

Questions of privilege have been a source of conflict between the House of Commons and the courts. Parliament has always held the view that whatever matter arises concerning either house of parliament ought to be discussed and adjudged in that house and not elsewhere; and that the existence of a privilege depends upon its being declared by the high court of parliament to be part of the ancient law and custom of parliament.

The situation having been reviewed the subject matter is now in the hands of the committee. You would probably like to hear the petitioner, unless you think you have already heard him, and then a member of the executive of the press gallery association, before making your report and recommendations to the house.

The CHAIRMAN: Thank you very much, Dr. Ollivier, for your well established and studied directions.

Now, gentlemen, I think we should follow the procedure that was decided by the steering committee. I think we should call on the petitioner, Mr. Raymond Spencer Rodgers, to state his points, and then we will hear the press gallery. I suggest after that that the committee then proceed to question these persons if it is the will of the committee to do so.

Mr. FISHER: I happen to have in my hand a copy of the Canadian parliamentary press gallery constitution. I think the other members of the committee will only be able to follow the argument of both the petitioner and executive of the press gallery if they are provided with copies. I would suggest that each member of the committee should have one.

The CHAIRMAN: These are being distributed.

Mr. McILRAITH: I understand the position to be that the witnesses in this case can give evidence without any examination by the committee.

The CHAIRMAN: I do not understand you.

Mr. McILRAITH: I understand that it is the intention to proceed without permitting the members of this committee to question the persons who have given evidence before this committee. Is that right?

The CHAIRMAN: We want to hear the facts from all sides. It was decided first to hear the views of all the interested parties and then ask questions in order to clarify the points which may have been brought up by the witnesses themselves.

Mr. McILRAITH: Will we have the right to question these witnesses?

The CHAIRMAN: Certainly.

Mr. McILRAITH: Each one of them separately?

The CHAIRMAN: Yes. It will be the decision of the committee itself.

Mr. McILRAITH: Might we have an explanation from the Chairman, or from some member of the steering committee, as to why the usual procedure of being permitted to question a witness for clarification of his remarks is denied in this committee.

The CHAIRMAN: Is this question addressed to the Chair?

Mr. McILRAITH: Yes.

M. CARON: Règlement! J'invoque le Règlement.

Mr. McILRAITH: I am on the point of order.



The CHAIRMAN: Mr. Caron rises on a point of order. Are you on a point of order?

Mr. McILRAITH: Yes. I wanted to ask you, Mr. Chairman, to clear up a small point that is bothering me a bit. Would you please advise us why the normal procedure of being permitted to ask a witness for explanation or clarification of his remarks or evidence is not being followed in this particular committee in this case?

The CHAIRMAN: The steering committee thought about this matter and we decided that it would be better to hear all the views, because, as Dr. Ollivier says, there is no history of the press gallery that has been established, and before we could decide in respect of the petitioner we should hear all the views and opinions. Then we could go on and ask different questions in respect of this. This was the opinion of the steering committee.

Mr. McILRAITH: That does not quite deal with my point. It is elementary. I suppose, if you are going to adjudicate, you have to hear all views. I am not questioning that. What I am questioning is this method of hearing all the views and let these remarks get on *Hansard* without clarification. My question is: Is there some reason for that unusual procedure being followed in this committee? It is not the normal procedure of the committee. There may be some good reason for it and I am seeking to find out if there is.

The CHAIRMAN: Dr. Ollivier is here as parliamentary counsel. He is not appearing for either side. He is here to give his opinion in respect of precedents and interpretations. The committee may wish to clarify some of the points, but I feel the case before us is the case of the petitioner, Mr. Rodgers, and the committee has not heard yet what is Mr. Rodgers' claim. Not knowing what the claim is, this committee might be in a difficult position in respect of asking for clarification before we know to what it relates.

Mr. McILRAITH: We are not at one on the point. I am not at this time questioning the hearing of Mr. Rodgers; I am questioning why we leave on the record evidence given by the sponsor, by someone else, and by the law officer of parliament, with muzzling of members in respect of getting clarification of what is meant by this or that phrase.

The CHAIRMAN: I resent the word "muzzling". The committee is not being muzzled. These things were discussed in the steering committee.

Mr. AIKEN: Mr. Chairman, I was the one who probably caused Mr. McIlraith his present distress. I believe what we have had here really is introductory to the hearing of the petition before us; in other words a formal statement not by the witness but by the sponsor who is a member of parliament. Secondly, there was a statement by Dr. Ollivier giving us a background. I do not feel either of these two gentlemen was a witness in the normal sense before this committee. It is my understanding that we heard these two persons in order to have introductory statements and nothing further. I am sure that Dr. Ollivier will be called upon again for further comments. Certainly it is the intention to call the petitioner and the members of the press gallery who will, as I understand it, be witnesses. This was the decision of the steering committee.

Mr. McILRAITH: Thank you. That is the explanation I wanted and was seeking from the chairman. Now, may I ask a further question?

The CHAIRMAN: You should address the Chair please.

Mr. McILRAITH: May I be permitted to ask Mr. Aiken one further question? Was it the subcommittee's intention also that we should have permission later to ask the sponsor questions?

The CHAIRMAN: On a point of order; I think the chairman is a member of the steering committee and if members start questioning each member of the steering committee, we could go around in circles.

Mr. McILRAITH: May I leave the point with a word of thanks to Mr. Aiken for giving me the explanation which covered most of the points I raised.

The CHAIRMAN: I think Mr. McIlraith is satisfied.

M. CARON: Je désire simplement exprimer un regret. On me dit que les règlements de la Tribune de la presse sont exclusivement en anglais, et je trouve regrettable qu'on n'ait pas jugé à propos de les faire dans les deux langues.

M. le PRÉSIDENT: Le comité, monsieur Caron, fera certainement part de votre point de vue à la Tribune de la presse et vous en avisera.

Mr. CARON: I believe that is already understood.

The CHAIRMAN: Let us proceed.

Mr. PICKERSGILL: Before we proceed any further, I think we ought to consider very carefully what we are going to embark upon. Dr. Ollivier has, it seems to me, indicated quite conclusively in his memorandum that there is no question of privilege involved here. This is the committee of privileges and elections. It is not a case of the press gallery or the management of the house or of internal economy.

It seems to me from everything Mr. Ollivier has said that unless we are going to embark upon a discussion which I think is quite irrelevant to the purpose of this committee, we should consider very carefully whether there is any matter of privilege involved here at all in respect of the petition that is referred to us. We should not commence hearing evidence about a matter in respect of which, in my opinion, we have no authority to adjudicate and in respect of which, in my opinion, it would be most undesirable that we should attempt to adjudicate.

As a result of the memorandum read by Mr. Ollivier, it appears very clear that the press gallery from time immemorial has had the right to regulate itself, subject to appeal to the Speaker of the House of Commons. Having heard that memorandum and having heard the statement that the only question involved in the petition is the application of an individual for admission to the press gallery, we should report right here and now that we are satisfied that the proper law in this matter is that the press gallery makes its own decisions and that an appeal from such a decision is an appeal to the Speaker of the House of Commons who settles the question conclusively.

I should like to make one further remark in this regard. It seems to me that nothing would be more disturbing to good order than would be politicians, which we all are, deciding or attempting to decide in favour or against a specific newspaper, one newspaper being included and another excluded from membership. I think it would be very undesirable for us to seek to extend the privileges of the House of Commons to that extent, and I hope that, having heard Mr. Ollivier and having heard that there is obviously no question of our privileges as members, or a privilege of the House of Commons as a whole involved in this matter, we would not proceed into something which really should not be the business of this committee.

Mr. SMALLWOOD: Mr. Chairman, having listened to the remarks of the preceding hon. gentleman I should like to ask Dr. Ollivier for some information in clarification of a remark made in his memorandum. He stated that a previous Speaker had approached the then Prime Minister in regard to a similar matter of privilege. I should like to know who that Speaker was and who that Prime Minister was.



Mr. MCGEE: Mr. Chairman, on a point of order, we just decided in respect of questions of this type, as raised by Mr. Pickersgill, that it was not proper for this committee to deal with them.

The CHAIRMAN: Gentlemen, I think our discussions should be limited to the question of validity concerning a question of privilege as raised by Mr. Pickersgill.

Mr. BREWIN: Mr. Chairman, regarding the point made by Mr. Pickersgill, it seems to me that his point may turn out to have some substance. We may all agree with his point, but I think it is premature for us to make a decision in this regard at this stage. I am not clear, as a result of what I have heard to this point, whether we are dealing with a question regarding an application for membership in the press gallery or whether we are dealing with a question regarding an application for the use of facilities provided by the House of Commons. It may well be that there are two totally different matters involved.

Mr. Pickersgill made reference to an appeal to the Speaker. I am not clear whether any such appeal has been made or, if an appeal has been made, what view was taken by the Speaker in that regard. I think evidence in this regard is relevant to this matter. It is my view that while it might be convenient for us to dispose of the point of jurisdiction at this stage, which Mr. Pickersgill has raised, it may at this time be too early for us to dispose of it.

The CHAIRMAN: Mr. Brewin, before we proceed I should like to ask the clerk to read the paragraph in the petition pertinent to this subject.

The CLERK: The second paragraph of the petition reads as follows:

That an application from your petitioner for admission to the press gallery association of this parliament has been refused by the said association;

Mr. MCILRAITH: Mr. Chairman, that paragraph should be read in conjunction with the prayer to the petition.

The CHAIRMAN: That prayer has been read already.

Mr. PICKERSGILL: Mr. Chairman, I suggest the prayer should be read again because it is very pertinent to the point raised by Mr. Brewin.

The CHAIRMAN: Do you wish the whole petition read?

Mr. MCILRAITH: Mr. Chairman, I suggest that the prayer to the petition be read in conjunction with paragraph 2 because paragraph 2 has no meaning taken out of that context.

The CLERK: The last paragraph of the petition reads as follows:

Therefore, your petitioner humbly prays that this honorable house will take such steps as they may deem to be necessary and fitting to enable your petitioner to carry on his profession of a newspaper correspondent and thereby provide a livelihood for himself and family.

Mr. FISHER: Mr. Chairman, I think it is well to have the opinion of Mr. Pickersgill, who has taken a sort of traditionalist's approach, but I wonder whether he would be prepared to put his suggestion in the form of a motion so that we can vote on it? I am afraid that I must disagree very strongly with him, yet I see no point in expressing disagreement unless I can do so in respect of something positive.

Mr. PICKERSGILL: Mr. Chairman, I should be very interested to hear Mr. Fisher's point of view before making such a motion.

The CHAIRMAN: Mr. Fisher is entitled to place his opinion before this committee.

Mr. FISHER: I feel that an abstraction of the freedom of the press may be involved here. I am not quite sure what it is but I think it certainly is worthy of pursuing. If parliament is providing \$52,000 a year in the way of provision of facilities for press gallery activities in the House of Commons and a person who is accredited by a newspaper is denied the use of said facilities for example, the use of rough transcripts which the individual may need in order to perform his job as a result of a decision of the press gallery association, it seems to me we should look into the situation.

Mr. Chairman, I feel that we should be given particulars regarding the actual status and activities of active and associate members. It may well be that some present active and associate members of the press gallery association are in no better position to qualify for membership in the legal sense than the present petitioner, Mr. Rodgers.

Mr. Chairman, for the reasons I have enunciated I think we should proceed to hear from members of the press gallery executive, because it is apparent to me that there may well be something very fundamental involved relating to the freedom of the press and access to facilities which are provided by the taxpayer through the House of Commons.

Mr. McGEE: Mr. Chairman, I should like to disagree very strongly with the suggestion put forward by Mr. Pickersgill, because I feel he is premature in making such a suggestion at this stage of our proceedings. We are dealing with procedure in respect of which I submit the consequences are as follows.

A citizen of Canada has petitioned parliament to appear before this committee to present certain arguments which he contends show an abridgement of certain of his rights. That petition having been presented to parliament and having in the course of events been referred to this committee, to follow Mr. Pickersgill's suggestion at this point of time I think would certainly be to abridge his rights. Obviously the petitioner himself feels that he has sufficient and important reasons to support his petition, yet Mr. Pickersgill suggests that we accuse each other of being politicians and he seems to think that is a dirty word and suggests we are prepared to jump in and take sides, adopting the points of view put forward by various newspapers. I think that is wrong. I think we should continue to hear evidence in respect of this petition as well as rebuttal to that evidence, and hear the answers to elucidating questions which may be asked.

Mr. DRURY: Mr. Chairman, I now appreciate the tremendous value of a committee, having had the benefit of hearing Mr. Ollivier's memorandum. One of the points of view expressed therein is that this committee is instructed to endeavour to examine only those things which are referred to it by the House of Commons. The House of Commons has referred a specific petition but has not given this committee a general mandate to ramble around discussing the whole question of the freedom of the press, the press gallery and its relation to the public and the House of Commons. We are here to consider a specific petition, and this particular petition only.

Mr. Brewin indicated that he was not clear as to what was at issue, whether it is membership in the press gallery or just what, but I suggest that this is irrelevant. What is involved here is membership in an association and I do suggest that a committee of the House of Commons does not have the right to determine who shall or shall not be a member of an association. Mr. Ollivier made it quite clear in his memorandum that the press gallery association has the right to exclude individuals from membership or accept them for membership as it decides.

It seems to be quite clear from Mr. Ollivier's memorandum that the Speaker of the House of Commons has the final determination as to admission



to the press gallery and access to facilities provided by the House of Commons. It is my feeling, therefore, that the only relevant issue involved is whether or not an appeal has been made to the Speaker, and has the Speaker made a ruling. I suggest those questions are the only questions with which we should be concerned.

The CHAIRMAN: Gentlemen, I think at this stage we should confine our considerations to the point raised by Mr. Pickersgill.

Mr. DRURY: Mr. Chairman, I suggest that in order to intelligently discuss the petition we must find out what are the essentials. I suggest that surely an essential is that there has been or has not been an appeal to the Speaker, and that the Speaker either has or has not made a ruling.

I must confess that I am a new member to the House of Commons, but it is my feeling that parliament and its committees operate on a series of rules based on precedent, and I suggest that we should adhere to those rules and precedents and not ramble around on witch hunts and explorations of one sort and another.

The CHAIRMAN: Mr. Drury, it is my opinion that the purpose of this meeting, as defined by the steering committee, is to get the facts and hear the replies of parties involved.

Mr. AIKEN: Mr. Chairman, I find myself in agreement with Mr. Brewin in regard to this question, and without prejudgment, I do not see how this committee or the House of Commons can direct the press gallery as to who shall or shall not be admitted to the association. By doing so, rather than adding to the freedom of the press, I suggest we would be restricting it, because next year on the basis of a precedent set at this time we may decide that another individual should not be admitted to the association. I feel that we would be setting a very bad precedent at this time by following the proposal which has been suggested.

Dr. Ollivier has presented a very excellent and very fair opinion regarding the situation but I do not think we can merely leave our considerations with that expression of opinion. I feel we ought to hear the petitioner and members of the association, allowing them to present their opinions and findings. Having heard those expressions of opinions, I suggest we should then specifically decide what our terms of reference are. I do not think we should preemptorily state that there is no question of privilege and conclude our discussions and considerations at that point merely on the basis of the opinion expressed by Dr. Ollivier.

Mr. CRESTOHL: Mr. Chairman, it has been suggested that we should hear direct and contradictory evidence. What is the purpose of this committee hearing the evidence? I suggest the purpose is to establish the truth or the untruth of the petition before us. I feel we should accept as a matter of course that all the allegations contained in the petition are true. Why do we want to hear evidence? Let us deal with the facts. No one has contradicted the contents of the petition. I think hon. members will agree that we have the facts before us as stated in the petition. I should like to know the purpose of hearing evidence and cross-examination. Is it our purpose to attempt to contradict the allegations of the petition? I do not think that is our purpose, Mr. Chairman. The facts contained in the petition before us are very simple facts. Let us deal with them as contained in the petition. Surely, we do not require any further evidence because the contents apparently are not in dispute.

We are all concerned with the freedom of the press and we encourage such freedom. However, Mr. Chairman, we are also concerned with the orderly supervision of our press gallery. If parliament has seen fit to place the orderly supervision of the press gallery in the hands of the association, then

I suggest it should be left to that association to make its own decisions unless those decisions are appealed, in which event the Speaker of the House of Commons will make a final decision. For those reasons, Mr. Chairman, I feel there is no purpose in our hearing any evidence at all.

Mr. MCGEE: Do not confuse me with facts.

The CHAIRMAN: Order, gentlemen.

I should like all members of this committee to bear in mind that we are interested in doing everything possible to expedite the business of parliament, and I would ask members to refrain from making long speeches in regard to the freedom of the press and other subjects of that nature which surely are not relevant to our discussions. We are meeting at this time to discuss a specific petition. We are here to discuss this particular matter and I suggest that we restrict ourselves to that discussion.

Mr. KORCHINSKI: Mr. Chairman, it seems apparent from the comments made by Mr. Pickersgill that there is some question as to the right of this committee to hear this particular petition. There has also been the suggestion made that we should know whether an appeal has been taken to the Speaker of the House of Commons, and whether a ruling has been made. It has also been suggested that because of the fact that many of our practices are based on precedent, this question should be left to the Speaker of the House of Commons and that we should not consider this petition at all. It seems to me, Mr. Chairman, that parliament has the final authority in regard to matters of this kind. Parliament has directed this committee to consider this petition, and I do not feel that it is important whether an individual's privilege is involved or not. In view of that direction, I feel we as a committee have the right to hear this case in spite of anything the Speaker of the House of Commons may decide in the final analysis.

The CHAIRMAN: Mr. Pennell, did you have a question to ask?

Mr. PENNELL: Mr. Chairman, my point of view has been expressed by the previous speaker.

Mr. PICKERSGILL: Mr. Chairman, I am prepared to make a motion.

Mr. MACNAUGHTON: Before you do I should like to make one comment.

The CHAIRMAN: Gentlemen, I should like to bring to the attention of this committee that Mr. Rodgers has just handed me a note which states:

May I prove there is a question of privilege?

What is the feeling of the committee in this regard?

Some Hon. MEMBERS: No.

Mr. MACNAUGHTON: Mr. Chairman, in spite of the fact that my friend Mr. Fisher does not seem to value tradition perhaps as much as I do, I do refer the committee to the fact that we have heard information in regard to precedent established over many centuries to the effect that the Speaker of the House of Commons has been chosen by parliament to decide in respect of matters concerning internal administration. It is suggested that the matter before us involves a dispute of an internal nature between the press gallery association and an individual. If this is so, I suggest this should be referred to the Speaker. Frankly I do not see any matter of privilege involved in the petition, but feel it involves a matter of dispute between the press gallery and parliament and, therefore, it should be referred to the Speaker of the House of Commons who should make a decision as our representative on the basis of experience and precedents.



The CHAIRMAN: Gentlemen, it is apparent that the general view is that the Speaker should make a decision in regard to this petition. Perhaps the Speaker might be enlightened through the availability of evidence given to this committee.

Mr. DRURY: Mr. Chairman, I should like to make an observation in that regard. I do not think it is the task of this committee to advise the Speaker of the House of Commons. I feel it is the task of this committee to advise and make representations to the House of Commons.

The CHAIRMAN: Mr. Drury, I do not suggest that the Speaker must always rely on precedent as expressed by Dr. Ollivier, but I am wondering whether or not he might be assisted as a result of this committee hearing evidence regarding this petition. However, the course of action to be followed at this time must be decided upon by this committee as a whole.

Mr. McILRAITH: Mr. Chairman, I rise on a point of order. It is not part of the function of this committee to provide information to the Speaker of the House of Commons. The members of this committee have been appointed by the House of Commons and are answerable to the House of Commons. Likewise the Speaker has been appointed by the House of Commons and he is answerable to it. I suggest this committee cannot gather bits and pieces of information for the Speaker, nor can it be put in that position. I want to be very clear, for my part, that any report we make is made to the House of Commons, and that any evidence we receive in this committee is directly relevant to the matter referred to us by the House of Commons, and to see that in either case we do not go beyond that.

The CHAIRMAN: My observation was that nothing can prevent the Speaker from reading what has already been said this morning and acting accordingly. That is my point.

Mr. PICKERSGILL: I am prepared to move now that the petition referred to us by the house be returned to the house with the recommendation that the Speaker should decide the issue. It seems to me it is perfectly clear from Dr. Ollivier's memorandum that similar issues have arisen in the past and have been referred to the Speaker and have been decided by the Speaker.

The CHAIRMAN: Would you kindly draft your motion in writing so we may deal with it?

Mr. PICKERSGILL: Very well, but I thought we had reporters here. However, if I have to take the time to draft it, I will.

The CHAIRMAN: Order, gentlemen. Will you now put your motion, Mr. Pickersgill?

Mr. PICKERSGILL: I move that the petition be returned to the house with the report that the issue be referred to the Speaker for adjudication and in the customary manner.

Mr. MACNAUGHTON: I second the motion.

The CHAIRMAN: Now I have to read the motion: there is a motion before the Chair from Mr. Pickersgill, seconded by Mr. Macnaughton, as follows:

"That the petition be returned to the house with the report that the issue be referred to the Speaker for adjudication and in the customary manner."

Mr. PICKERSGILL: It seems to me that Dr. Ollivier's history is both complete and conclusive; that issues precisely similar to this have arisen on two occasions in the past, and that in both cases an appeal was made to the Speaker, and the cases were determined in that way. So that is the law, and that is the only matter of privilege which could conceivably be involved. We are a committee

on privileges and presumably the house, in referring this matter to us, referred it to us because it was considered that some matter of privilege was involved, not in order to enable us to start into an inquisition.

It was done for that reason, because I do not think we have any appropriate jurisdiction in the matter, and that was what the house wanted to find out. If there is no privilege involved, it would be not only a waste of time, but also a very dubious proceeding to go into the merits of the case which we cannot decide when we have listened to the matter, according to the laws, as someone else has to decide it. And once we have discovered that—unless someone has some compelling opinion supported by facts that it is not the law, although we have had our parliamentary counsel here tell us that it is—it seems to me that should be conclusive.

I will admit right away that if either the petitioner or the respondent wanted to address himself to the narrower question of whether somebody else had the right to decide this, and if they were restricted absolutely and conclusively to the point, it might alter my views; but it does not seem to me, in the face of the weight of what we have been given this morning, that there would be any likelihood that there is any such evidence. Therefore I am prepared to go ahead with my motion.

The CHAIRMAN: Is there any discussion on the motion?

Mr. LAING: Mr. Chairman, I am going to oppose Mr. Pickersgill's motion, although I would like to support it. My explanation for that phenomenon is that I think it goes back to the action of the steering committee.

Mr. McILRAITH: It has not been adopted yet.

Mr. LAING: We have been working on that; we have been working on the decision of the steering committee that we should hear the various parties without any chance to examine them. So I am rather inclined to the opinion of Mr. Pickersgill that so far as this committee is concerned, all the action that should be taken in this committee has probably been stated to us by Dr. Ollivier. But I am not certain and I do not think any of us could be certain, until he submitted himself to some examination from the committee. And that, apparently, is going to be denied us. We are going to hear these people without any comment or examination.

If we act as Mr. Pickersgill has suggested by his motion, then I am afraid we will be putting ourselves in the position of dealing with matters along the lines of the magistrate who dealt with the case when little Albert was eaten; nobody was really to blame. So I must oppose a decision like that, because, as is often the case, I think we are going to be accused of refusing to deal with this, of sending it back, and of doing nothing about it. I think if we were given an opportunity, before we hear the petitioner, to examine Dr. Ollivier, we might then come to the decision implied in Mr. Pickersgill's motion, but I understand not at this point.

The CHAIRMAN: Is there anything else?

Mr. McGEE: I shall oppose Mr. Pickersgill's motion. He used the words "dubious proceedings". I think his judgment on whether proceedings are dubious or not is premature. I happen to be the seconder of the petition which was presented to the house. I seconded the motion on the grounds that I was satisfied that the committee to which it was expected that it would be referred—

Mr. McILRAITH: Mr. Chairman, there is a point of order here. What right does Mr. McGee have to be on the committee under these circumstances?

The CHAIRMAN: Mr. McGee has the floor.

Mr. McILRAITH: I have a point of order.

The CHAIRMAN: What is it?



Mr. McILRAITH: Mr. McGee has just stated that he was an interested party, in connection with the motion in the house. I am asking you to rule whether or not he is entitled to be on the committee?

Mr. McGEE: On the point of order, I was about to state in very clear terms why I became an interested party. If I may be allowed to proceed to speak to the point of order which Mr. McIlraith raised, it is that I recognized and agreed to second that motion because it confirmed my judgment to this extent: that this man had the right to be heard by this committee. And this clearly is what happened; he has the right to place his petition before parliament, and parliament exercises its right in presenting that petition to this committee, and this committee, I submit, is acting within its rights in hearing from the petitioner.

Mr. AIKEN: Mr. Chairman, on the point of order; may I say that Mr. McIlraith is jumping to conclusions. Take, for example, the private bills committee. The sponsor of every private bill, certainly divorce bills, is the chairman of the committee. I do not think anybody has ever raised objection to that, and I do not think there is any conflict of interest.

The CHAIRMAN: Mr. McGee is not an interested party simply because he served as a member of the house to second the petition.

Mr. CRESTOHL: May I ask Dr. Ollivier a question on this motion?

The CHAIRMAN: Let us get rid of this first. Mr. McGee has the floor. Has the matter been cleared to your satisfaction, Mr. McIlraith?

Mr. McILRAITH: It has been cleared, but not to my satisfaction. However, it has been cleared.

Mr. McGEE: My remarks were directed to the point raised by Mr. McIlraith that because I acted in seconding the motion to present the petition to parliament, I should be disqualified.

Mr. PICKERSGILL: That has been disposed of.

Mr. CRESTOHL: I would like to ask Dr. Ollivier, as law officer of the House of Commons, when we talk about privilege, what is the question? Are we concerned with the functions of this committee, with the privileges of members of the House of Commons, or does it also include the privileges of those who are not members of the House of Commons?

Mr. AIKEN: Before Dr. Ollivier answers, surely at this very moment we are discussing whether or not we are going to question Dr. Ollivier. I think we should proceed on a more orderly basis, and if we do want to question Dr. Ollivier on his statement, I would certainly like to see that done.

Mr. CRESTOHL: I cannot imagine that we would be denied the right to ask the law officer of the House of Commons what is purely and simply a legal question, and to answer whether or not we are concerned with the privileges of the House of Commons only, or can we also hear about the privileges of people who are not members of the House of Commons? I would like to get an answer from the law officer of the House of Commons.

Mr. PENNELL: There is a motion before us, Mr. Chairman.

The CHAIRMAN: Yes, we have a motion.

Mr. CRESTOHL: It might influence me on how I voted on that motion.

The CHAIRMAN: Does your question refer to the motion before us?

Mr. CRESTOHL: Yes.

The CHAIRMAN: You may ask your question. I do not think the committee would object to the question providing it is relevant to the motion before us.

Dr. OLLIVIER: My answer is simply this: I do not think it is purely a question of privilege affecting members; but I would say it is a quasi question in that in one way it might affect members of the House of Commons, because members of the house are interested in publicity and how that publicity is given, and that how they will treat the press is indirectly based on a question of privilege; it is not a direct question of privilege which affects each and every member, or all the members, but that is not the whole point. The point is that this matter was referred to the committee by the House of Commons for study and report. Therefore you have to give some consideration to the question, study it, and make your report after, when you have gone into camera. You are not going to bring in your conclusions while the whole committee is sitting in public. I think some questions had better be decided when you are in camera.

The CHAIRMAN: I have on my list to speak to the motion the following: Mr. Fisher, Mr. Caron, Mr. Brewin, Mr. Lamoureux, and Mr. Korchinski. Are there any other members who wish to speak to it?

Mr. PICKERSGILL: And in the end, I do too.

Mr. FISHER: I wish to speak against the motion because, as I understand it, in 1867 under the British North America Act we took over the privileges in effect in the United Kingdom at that time. As I understand it, from what was said by the law officer, included amongst the things we took over is this privilege that we could still adopt, the fact is that, going back to the decision of the British House of Commons in 1753, we could at any time force any member out of the press gallery. Therefore, having that tremendous power or privilege at this present time in our hands as representatives of the House of Commons, it seems to me that to argue, as Mr. Pickersgill does in his motion, that this thing has all been decided by custom already in the past, is to ignore completely that tremendous power which adheres to us in our privileges as members, from the 1753 decision of the British House of Commons. Therefore, we have every right to go on. There is nothing which is customary in practice we need to consider at this time. It seems to me from that point we have a new case which we can look at in any extended fashion we want.

Mr. CARON: I do not deny the right of the committee, Mr. Chairman, to go on and study the matter, but I am favouring Mr. Pickersgill's motion on the fact only that we might be creating a precedent, as a result of which every time there is a conflict between the press gallery and any member thereof we will be called into committee to decide upon the matter. This would be a bad precedent. I think we should leave it in the hands of the Speaker, as always, who is quite able to decide on problems between the press gallery and any of its members or, for that matter, anyone who wants to be a member of the press gallery. I think we should send it back to the Speaker.

Dr. OLLIVIER: Is not what you are discussing a matter that should go into the report?

Mr. CARON: I was speaking of the motion to send it back to the house: that is, sending a report back to the house and suggesting it should be left to the Speaker.

Dr. OLLIVIER: But not to send back the petition.

Mr. CARON: Just saying that we have studied the petition and we think it should be left in the hands of the Speaker to make a decision.

Dr. OLLIVIER: Well, that is a matter for your report.

Mr. PICKERSGILL: That is, in fact, what the motion does.

Dr. OLLIVIER: But not return the petition.

The CHAIRMAN: You are next, Mr. Brewin.



Mr. BREWIN: Mr. Chairman, it seems to me that to accept this motion would be an evasion of the responsibility placed upon us by the house. However, it may well be that when we have looked into it we will conclude that the matter ought to be dealt with by the Speaker and that it should be referred to him. That may be the result; however, until we have heard from the petitioner as to what steps he has taken and what view the press gallery has taken in this matter, I do not think we can decide whether it is our responsibility or that of the Speaker's.

Also, before we determine this motion that has been put before us, I think we should determine what steps the Speaker has taken and whether he agrees with our view. We all have the greatest respect for Dr. Ollivier and, no doubt, his opinion carries a great weight. However, the Speaker himself might wish to convey to us a view that it is partially our responsibility to assist a committee of the house to deal with this matter. Therefore, I suggest that the motion, although it may be perfectly in order later and I may wish to support it, should not be put at this stage.

Mr. PICKERSGILL: Mr. Chairman, if you will give me the opportunity I can shorten this a good deal.

The CHAIRMAN: That will depend on whether the other members wish you to proceed at this time. I have listed Mr. Lamoureux, Mr. Korchinski, and Mr. Macnaughton.

Some Hon. MEMBERS: Agreed.

Mr. PICKERSGILL: I was very much impressed by the point made by Mr. Laing and also by Mr. Brewin. Mr. Chairman, I would be quite happy, if Mr. Macnaughton will agree with me, to withdraw my motion or to suspend it or do anything that is agreeable to the committee so that we can hear both the petitioner and the press gallery on the question of whether any privilege is involved. However, I do not think we ought to go into the merits of it—and that is what troubles me. We should not be asked to go into the merits of this case before we have decided whether it is a case in which we ought to enter into the merits.

As I say, I was very much impressed by what Mr. Laing and Mr. Brewin said, that if the petitioner could bring before us some evidence that there is a privilege, we ought to hear him on that point, and we ought to hear the chairman of the press gallery on that same point. However, as I say, we should not go into the details of the case until we decide as a committee that we have a function to perform that we can perform better than the Speaker can perform it, as has been done in previous cases of a similar character, and if that would be agreeable to the committee I would be glad to withdraw my motion right away.

Mr. MACNAUGHTON: Mr. Chairman, as I seconded the motion I think I should add one word to this. One of the purposes in the movement of this motion was to bring this matter to a head, and quickly. It seems to me we have discussed it at length, and this was one way of getting on with the business.

I have the greatest possible sympathy for the petitioner and everything else, the same as Mr. Laing has, but this was a means of making progress.

I am very happy to withdraw.

Mr. AIKEN: Mr. Chairman, this then would revert to the suggestion I thought I made originally, that we should define what we are going to discuss immediately, and I still think at this stage we could very well benefit by questioning Dr. Ollivier on the very point that we are discussing.

The CHAIRMAN: Is it the wish of the committee that we should question Dr. Ollivier at this point.

If the motion is withdrawn I think we will have to proceed by the order decided upon first.

Mr. PICKERSGILL: If I may, Mr. Chairman, I would like to ask how much longer we are going to proceed this morning, as many of us have other engagements?

Would it be better to agree to an adjournment at this time before we start hearing the witnesses? As I say, a good many of us who are interested in this matter have other engagements.

Mr. CARON: I know I have.

Mr. PICKERSGILL: We assumed the committee would not last indefinitely.

The CHAIRMAN: What is the wish of the members of the committee on this point.

Mr. FISHER: I think we could do much better if we got on the record now the views of the petitioner and the press gallery president.

Mr. MCGEE: Yes, the initial statements.

Mr. PICKERSGILL: Merely on a question of privilege though.

Mr. FISHER: In that way we would have the printed record in which to refer at our next meeting.

Mr. AIKEN: To bring this matter to a head, Mr. Chairman, could I make a motion that the committee now decide to proceed with the question of whether or not privilege exists and to hear witnesses on that subject?

Mr. PICKERSGILL: I second that motion.

The CHAIRMAN: Mr. Aiken, would you write the motion out, please.

Gentlemen, I have a motion here from Mr. Aiken, seconded by Mr. Pickersgill, that the committee now proceed with the question of whether or not privilege exists and that we hear witnesses on this subject.

Some Hon. MEMBERS: Agreed.

Mr. FISHER: Let us hear Mr. Rodgers.

The CHAIRMAN: Is the committee favourable to this suggestion?

Some Hon. MEMBERS: Agreed.

Mr. MCGEE: That has been agreed upon.

Mr. MACNAUGHTON: Mr. Chairman, have you any order of witnesses? Has anyone asked permission to appear? It seems to me we should have an agenda.

The CHAIRMAN: I read that out at the start. We have Mr. Raymond Spencer Rodgers and the press gallery representatives.

I will call upon Mr. Raymond Spencer Rodgers to appear before the committee at this time.

Mr. Rodgers, will you present your case to the committee.

Mr. MCILRAITH: But, Mr. Chairman, on the one point.

The CHAIRMAN: Yes, on the point that there is a question of privilege involved.

Mr. RAYMOND SPENCER RODGERS: Mr. Chairman, although I do have a statement, telegrams and so on, I will not bother with them at this time and will confine myself strictly to the question.

Mr. Pickersgill has raised the matter—and although I do not wish to make an enemy of him, it has been noted he is a student of law. His study of law must have stopped at that period of the development of—

The CHAIRMAN: If I may interrupt, the witness should refrain from comments in connection with individual members.



Mr. MACNAUGHTON: I am still a student of law.

The CHAIRMAN: I will ask the witness to state his case in a very direct way without making any comments at all. Please stick to the subject at hand.

Mr. RODGERS: Well, it is directly to that point because Mr. Pickersgill—or at least, the argument that—

The CHAIRMAN: Mr. Rodgers, I will not allow any reference to what was said by members of this committee because I do not feel we are at that stage yet.

Please raise your point of privilege.

Mr. RODGERS: But, Mr. Chairman, to that very point—on this very point, if you would let me finish my sentence, that the committee has no power to deal with this matter because it does not fall under the narrow head of privilege, this was the position that was true in the law of England and in Canada in a period where the courts or parliament would never deal with a matter unless it came under a very narrow head. Of course, this stage has passed and courts, as well as a committee, can deal with matters which are not narrow under that particular head.

I accept completely Dr. Ollivier's suggestion that this is not, in the narrow sense, a question of privilege but, as Dr. Ollivier has said, a question of quasi privilege, as, for example, the committee on railways and air transport could not be given jurisdiction to deal with outer space problems because the matter had never arisen before. But, it has to come up somewhere. In the same way, I feel that a committee on privileges and elections can deal with a matter, not as Mr. Pickersgill said, that did not arise before but as Dr. Ollivier said is a matter of quasi privilege and, therefore, relevant to this committee. As to whether or not one can prove this is a matter strictly of privilege, I think the concepts of the situation might be well taken into consideration if we look at Erskine May's parliamentary practice at 109.

Mr. McILRAITH: Which edition is that?

Mr. RODGERS: The 15th edition in which he says:

It may be stated generally that any act or omission which obstructs or impedes either house of parliament in the performance of its functions, or which obstructs or impedes any member or officer of such house in the discharge of his duty, or which has a tendency directly or indirectly, to produce such results may be treated as a contempt even though there is no precedents of the offense.

In other words, my point is that the press gallery by lawfully or unlawfully excluding me is obstructing a facility which is adjacent to parliament, namely, the proper reporting of parliamentary news, and it is on this point I feel a matter of quasi privilege, as Dr. Ollivier has stated it, is put at stake.

Let us look at it from the practical point of view; what was I, as a journalist, faced with? I had made an application to the press gallery which they rejected, rightly or wrongly—and again I make no comment on that. But, what next step could I take? Well, I did what everybody else has done; I went to see Mr. Speaker.

The CHAIRMAN: Can you substantiate the date? Have you any definite dates in this connection.

Mr. MACNAUGHTON: When did you make your application? When did you go to see the Speaker?

Mr. RODGERS: Well, that would involve going through a hefty file and pulling out all sorts of letters, and I wanted to keep within the spirit of Mr. Pickersgill's suggestion, which seemed to be acceptable by the others, that I present tersely and briefly the situation.

Mr. MACNAUGHTON: But, I think he should give the dates.

Mr. RODGERS: In brief, I went to see Mr. Michener and he adopted the position that he, like other speakers, did not feel he could particularly intrude in this matter. Dr. Ollivier has gone into this, and you have seen the situation. In the Canadian house of parliament, unlike other parliaments and unlike the courts, and unlike the United Nations, the Speaker has been reluctant to deal with these matters. But, as Dr. Ollivier said, he has the power to deal with them. But, as the Speaker was reluctant to deal with them, and I might add—and I am sure Dr. Ollivier would accept this—the Speaker was in those letters writing in his own personal status, at least as much as he was as an officer of the house, and I think the significance of that will be known by Dr. Ollivier.

But, the Speaker has been reluctant. Therefore, although Mr. Michener gave me certain de facto privileges, he did not want to raise the matter directly with the press gallery, and when Mr. Lambert came to Ottawa the same thing happened. Mr. Lambert knew already, by outside sources, that I had planned to raise the matter through a member of parliament. Mr. Speaker and I got together, and he said that he was willing to do whatever parliament may decide. He said: I have nothing against you or for you, nothing at all about that, but simply, I am willing to do whatever parliament decides. But, it seemed clear to me—and I am sure Mr. Lambert will say I am correctly summing it up—that he felt reluctant to intrude in this matter so, therefore, what could I do? Since I was very concerned and determined to raise the matter further there was only one door open to me, which was to apply to parliament, and because the matter is a matter of quasi privilege I have given consideration to suggesting to a member of parliament that it be referred to this committee. However, I do not think this is terribly important; it could just as well, as Dr. Ollivier said, been referred to the commission of internal economy but, since this committee seems more appropriate, and it is a matter of quasi privilege, this is the way the petition was worded.

That is really all I have to say on the question of privilege.

The CHAIRMAN: Does anyone wish to ask any questions of Mr. Rodgers?

Mr. FISHER: I thought we had agreed we would hear him and then hear Mr. Brown?

The VICE-CHAIRMAN: Was that the decision of the committee?

Mr. FISHER: Yes.

Mr. RODGERS: Gentlemen, you will appreciate that I am not reading from notes, and as a result I have forgotten one point. This is a question of privilege, I feel, for one other reason, which is this: Dr. Ollivier has given you very correctly the situation in other commonwealth parliaments, including the parliament in London; but, there is one point he did not mention which I think should be brought forward, which is this: the first record we have of anything to do with press people or press galleries was in 1870 in the parliament of upper Canada, and this can be found in the Journals of parliament at page 2, 1830, and there it was felt that it was necessary to have some kind of arrangement with the press. It directed the sergeant-at-arms to establish a press room. Also, I might mention that in Britain the sergeant-at-arms issued press cards. There was no question then of a press gallery association. As Dr. Ollivier said, the press gallery grew up in this building and there was no such thing as a press gallery association. That association has grown up only within recent decades. My argument is that the press gallery, in taking upon itself the power to completely ignore correspondents in every respect, as it has done with this, has infringed on the rights of parliament. I do not say that it was ever done with malice or that it happened overnight; it did not. It just grew up over the years.



I believe that this power of the press gallery association is an infringement of the privileges of parliament which has been allowed to develop but which should surely be considered at some particular point in the time of history. All I am doing in raising my case—and incidentally I am not asking for membership in the press gallery—is to ask for certain facilities. My requests have always been very modest and I have never asked for desk space in the centre block. I feel that if we let the present situation continue, the press gallery, which is a private club unlike other professional bodies which are established with proper procedure, will be out to keep everybody out whom it does not want to have in. It has economic motives for doing so. Therefore, parliament cannot allow this kind of infringement on its privileges to continue. Mr. Speaker Lambert has said to me—and again I want to be careful and I hope that in summing up his opinions I am doing so correctly—that he too feels this matter should be aired and that when the matter has been aired and the committee has come to some kind of a decision on my particular case it will guide him in his future dealings with other correspondents.

There are other matters which I would like to go into, but this is all on the matter of privileges.

Mr. McILRAITH: Could I make a request, Mr. Chairman? Would you consider having Mr. Rodgers clarify the sequence of his reference in relation to the timing of the action by the press gallery? That can be done after the meeting.

The CHAIRMAN: It might be more appropriate to deal with it at the next sitting of this committee when we will have other details. The committee can then inquire into these specific details.

We will now hear from Mr. Clément Brown, who is chairman of the press gallery association.

Mr. CLÉMENT BROWN (*Chairman, Press Gallery Association*): Mr. Chairman, I was taken rather by surprise when I received your demand that I should state my views before this committee on the question of privileges because there are so many learned lawyers on this committee.

Mr. MCGEE: On a point of order, Mr. Chairman, I am wondering whether the witness would prefer to give his testimony in French.

Mr. BROWN: I am in your hands. I think I could deal with it quite efficiently in English.

The CHAIRMAN: Mr. Brown, I do not know what is your preference but you have stated you were taken by surprise. If the committee wishes, we may hear you at the next sitting.

Mr. MCGEE: It should go on the record now, I think.

Mr. BROWN: I should correct an error made by Mr. Rodgers in telling you that he is not asking for membership in the gallery but only to be granted some facilities. I think the petition is an application from your petitioner for admission to the press gallery association which has been refused by the said association. I think the question of membership and facilities should be the two points to be considered at this moment and to which I shall address myself. I think the press gallery has been granted the privilege—and that is the privilege of any citizen—to form an association with members or people of likely interests, such as reporting on parliament. The question of facilities is that we have been granted some sort of delegated authority by the Speaker and, I presume, by the internal economy committee, to administer the gallery and facilities granted to members of the association. Whether there should be a restriction on membership of the association is a question which the executive committee of this association of the press gallery considers from time to time when they receive a petition or a request for accreditation.

We have been dealing with the matter on the assumption that this association is a professional one and should be restricted to members of the profession and the tradition of this profession. This is why we have refused this petition from Mr. Rodgers, because we felt he had not the necessary requirements to be included in the membership of the press gallery.

As to the facilities granted by the press gallery—and facilities do not only include a place to write but also privileges such as receiving advance copies of confidential documents—I think the press gallery is prepared to make a distinction there. We would be reluctant to see parliament put a clear division on that under the sponsorship of the executive. Whether parliament wanted to form another association of quasi journalists or not, that is not the question, and whether a committee of the house decided to give some people privileges, that is not the question either. I would, however, suggest that the question of membership and of policing the facilities, because we have some power of discipline in this association, should be closely linked so that the facilities of the gallery as such should be restricted only to members of the association as defined and as accepted by the tradition of the gallery and the tradition of this executive and of former executives. I would submit that this is a question of membership first of all, and it is within the competence of this committee to decide on the membership of the press gallery. It would be then up to the committee to decide on the question of facilities to be granted to people outside the association.

Mr. FISHER: I move we adjourn.

Mr. McILRAITH: I second that motion.

Mr. McGEE: I was just going to say that instructions were given to this witness to address himself to whether in fact a point of privilege exists. I may have misunderstood the witness but I did not gather from his comments that he made a statement on that.

Mr. FISHER: That is the reason why I want an adjournment. I do not think he really spoke to the question of privileges, and we need a chance to examine the record to see whether he did.

The CHAIRMAN: There is a motion to adjourn. This is not debatable. We will have the record to consider before we meet at our next sitting. The meeting will adjourn to the call of the chair.

La séance est suspendue jusqu'à nouvelle convocation du président.



THE FOLLOWING IS AN ENGLISH TRANSLATION OF THE  
DELIBERATIONS CARRIED ON IN FRENCH ON THIS DAY:

Committee on Privileges and Elections

*Page 20*

The CHAIRMAN: Would any member of the Committee wish that a French translation be made?

Mr. GILLES GREGOIRE: That will not be necessary!

*Page 30*

Mr. ALEXIS CARON: Order! I rise on a point of order.

*Page 32*

Mr. ALEXIS CARON: I simply wish to say that I am sorry to hear that the Regulations of the Press Gallery are only available in English. I find it regrettable that it has not been deemed advisable to prepare them in both languages.

The CHAIRMAN: Mr. Caron, the Committee will certainly draw the attention of the Press Gallery to that fact and will advise you accordingly.







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